

(2019) 01 CAT CK 0046

In the Central Administrative Tribunal

Case No : Original Application No. 966 Of 2017, Miscellaneous Application No. 1030 Of 2017

Dilshad And Ors

APPELLANT

Vs

GNCT Of Delhi And Ors

RESPONDENT

Date of Decision : 29-01-2019

Acts Referred:

Citation : (2019) 01 CAT CK 0046

Hon'ble Judges : Nita Chowdhury, Member (A), S.N. Terdal, J

Bench : Division Bench

Advocate : Anil Singal, Amit Yadav, Amit Sharma

Final Decision : Dismissed

Judgement

S.N. Terdal, J

1. We have heard Mr. Anil Singal, counsel for applicants and Mr. Amit Yadav for Mr. Amit Sharma, counsel for respondents, perused the pleadings and all the documents produced by both the parties.

MA 1030/2017

The above MA has been filed by the applicant praying for permission to file a joint application. For the reasons stated in MA, the same is allowed. Applicant is permitted to file a joint application.

2. In this OA, the applicants have prayed for the following reliefs:

"A) To quash Notice dt. 6.6.2016, 23.1.2017 and Final Result dt. 17.3.2017 holding the Answer Key for Questions No. 16 Wrong question, 76, 82, 97, 102, 103, 107, 122, 123, 131, 150, 153, 159, 162, 173, 183 and 190 for Question Paper for Post Code No. 149/12, 150/12, 175/14 & 176/14 used by DSSSB as incorrect and consequent result and appointments based on such impugned question paper and Answer Key.

B) To direct the respondents to constitute an Independent Expert Body, other than DSSSB officials, to examine the Answer Key for question Paper for Post Code No. 149/12, 150/12, 175/14 & 176/14 and submit a report as to whether the impugned Answer Key used by DSSSB for all impugned questions is incorrect or not.

C) To direct the respondents to re-examine the answer script of the applicants in the event it is found that any Answer Key for Question Paper for Post Code No. 149/12, 150/12, 175/14 & 176/14 used by DSSSB for any question is incorrect and grant extra marks to the applicants for those questions.

D) To direct the respondent to prepare the revised merit list after the completion of above-mentioned exercise and in case the applicants stand selected, they be appointed to the post of PGT (Political Science) with all consequential benefits as per revised merit list.

E) To award costs in favor of the applicant and pass any order or orders which this Hon'ble Tribunal may deem just & equitable in the facts & circumstances of the case."

3. The relevant facts of the case are that Delhi Subordinate Services Selection Board (DSSSB in short) had advertised vacancies for the post of PGT (Political Science) under post codes no. 149/12, 150/12, 175/14 and 176/14. The common written examination towards tier-1 was conducted on 30.11.2014. The tier-II examination of PGT (Pol. Science) was conducted on 28.06.2015. The Board uploaded the answer keys of objective tier-II examination for the said posts vide notice dated 16.07.2015 on the board's Website and invited objections with respect to the answer key, if any, from the candidates. The last date for submitting the objections or representations with respect to the answer key was upto 27.07.2015. Further it was mentioned in the said notice dated 16.07.2015 that no suggestions or representations will be entertained after 27.07.2015. After considering the suggestions/objections/representations submitted by the candidates upto 27.07.2015, the respondents uploaded the final answer keys on the board's Website wherein answer keys of 77 questions were changed. By another notice dated 06.06.016 the board invited once again similar objections. In the said notice dated 06.06.2016 it was specifically mentioned in para-4 that the answer keys of the remaining questions shall remain unchanged that discrepancies related to answer keys, if any, should be brought to the notice of board upto 22.06.2016 and no suggestions or representations would be entertained after that date and that no further correspondence shall be entertained in respect of answer keys after that date. Nevertheless, the applicant made a representation with respect to answer keys and that the applicant was informed vide notice dated 23.01.2017 stating that no change could be made in the final answer keys and the final result of PGT (Pol.Science) was declared on 17.03.2017.

4. The counsel for the applicant vehemently and strenuously brought to our

notice that question no 157 of tier-1 (Preliminary Exam.) is same as question No.16 of tier-II examination and answer keys for both the questions were different and on that basis he prays for re-examination of the answer script of the applicants and a direction to the respondents to constitute an independent expert body etc. in his prayer.

5. The counsel for the respondents has submitted that the DSSSB had called for the suggestions/objections/representations to the answer keys upto a particular date and all the suggestions/objections/ representations submitted by the candidates were considered and final keys were finally published on the Website. The applicant did not submit his representation within the said prescribed time, his representation made to the DSSSB was, therefore, rightly rejected. In support of his contention, the counsel for the respondents relied upon an order passed by a co-ordinate Bench of this Tribunal dated 02.02.2018 in the case of Mahesh Kumar Vs. Govt. of NCT Delhi through the Principal Secretary and others (OA 2441/2017).

6. In respectful agreement with the reasoning of the co-ordinate Bench in the case of Mahesh Kumar (supra), the reliefs prayed for by the applicants cannot be granted.

7. Accordingly, the OA is dismissed. No order as to costs.