

(2018) 04 CAT CK 0027

In the Central Administrative Tribunal

Case No : Original Application No. 1390 Of 2018

Pawan Kumar

APPELLANT

Vs

Staff Selection Commission And Ors

RESPONDENT

Date of Decision : 11-04-2018

Acts Referred:

Citation : (2018) 04 CAT CK 0027

Hon'ble Judges : Raj Vir Sharma, J;Praveen Mahajan, Member (A)

Bench : Division Bench

Advocate : Surbhi Chandra

Final Decision : Dismissed

Judgement

Praveen Mahajan, Member (A)

1. The applicant in the current O.A. states that he had applied for the post of Lower Division Clerk in the Combined Higher Secondary Level Examination, 2015 pursuant to the recruitment notice published in the Employment News on 13.06.2015. Reportedly, he cleared the preliminary examination with 141.5 marks and also qualified the target of written and typing examination securing a grade of 181.5 out of 182. The respondents have selected the candidate as L.D.C., who had obtained 182 marks. Hence, he has been declared as unselected only due to shortage of .5 marks.

2. The applicant further avers that question No. 121, which has been cited in the question paper is wrong. He submits that the given answer (options) do not support the question. If the given options had been correct than the applicant would have achieved the target and secured extra .5 marks required for qualifying the exam. The applicant also submits that he got this information through the RTI. He contends that some question options were rectified by the respondents when other candidates complained before the respondents in respect of question Nos. 14, 20, 47, 79, 139 and 163. In this regard, the applicant also sent a legal notice dated 03.01.2018 to the respondents

requesting them to upgrade his result in view of the above rectifications.

3. In the reply received by the applicant in the month of March, the respondents have taken the plea that the answer keys for the said examination are being uploaded on the website of the Commission. Candidates may go through the answer keys corresponding to their test form and send representations, if any, by 5.00 PM on 31.05.2016. The applicant states that he filed a Writ Petition (C) Bo. 2421/2018 & CM-10082/2018 before the Hon'ble High Court of Delhi, which was dismissed as withdrawn on 16.03.2018 with liberty to file an application before the Central Administrative Tribunal, New Delhi.

4. Aggrieved, the applicant has filed the current O.A. seeking the following relief:-

"(a) Allow the original Application.

(b) Direct the respondent to rectify the above said questions qua the applicant and consider the appointment on the post of L.D.C. with all consequential benefits.

(c) Pass such other and further orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case in the interest of justice."

5. We have gone through the facts of the case and find that the examination of Combined Higher Secondary Level Examination, 2015 was held on 01.11.2015, 15.11.2015, 06.12.2015 and 22.11.2015. The answer keys for the said Examination were uploaded on the website of the Commission i.e. www.ssc.nic.in. Candidates were required to go through the answer keys corresponding to their test form and send representations, if any, by 5.00 PM on 31.05.2016. It was clarified in the notice issued by the Under Secretary, Staff Selection Commission that representations received after the due date will not be entertained.

6. In the instant O.A., the applicant has represented against the correctness of the Question No. 121 after he was declared unsuccessful in the Examination vide result dated 29.08.2017. We find that the answer key was not challenged by the applicant during the specific time period given by the Commission vide the notice issued on the website. Therefore, at this stage, the request of the applicant to challenge the answer key at this belated stage has rightly been rejected by the Staff Selection Commission. The O.A. is dismissed in limine.