
(2014) 05 DEL CK 0101

In the Delhi High Court

Case No : W.P. (C) 1888/2014 & CM No. 3944/2014

Sandeep Kumar and Others

APPELLANT

Vs

Delhi Fire Service and Others

RESPONDENT

Date of Decision : 23-05-2014

Acts Referred:

Citation : (2014) 05 DEL CK 0101

Hon'ble Judges : Gita Mittal, J;Deepa Sharma, J

Bench : Division Bench

Advocate : M.Y. Khan, Advocate for the Appellant; Zubeda Begum, Standing Counsel (GNCTD) and Ms. Sana Ansari, Advocate for R-1 and 2, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Gita Mittal, J.—The petitioners have also laid a challenge to the order dated 10th January, 2014 passed in T.A., No. 12 and 13 of 2013 by the Central Administrative Tribunal, Principal Bench.

2. By way of these applications, the petitioners had challenged the rejection of their candidature for appointment to the post of Fire Operator pursuant to the advertisement No. 1/2009 issued by the Delhi Subordinate Services Selection Board (DSSSB). As per the advertisement, respondent no. 1 notified the following essential qualification for Fire Operator:-

Essential Qualifications: (i) Matric Pass from a recognized institute/Board or equivalent.

(ii) Should possess valid license of driving heavy duty vehicles.

(iii) Should qualify Physical Endurance Test (in accordance to CFO, Delhi's Order No. F.2/DFS/HQ/03/521 dated 27.05.2008) (Please see physical endurance test, prescribed for Fire Operator, mentioned below). Driving Test and Written Test as prescribed by the Chief Fire Officer.

3. The advertisement thus prescribed the physical endurance test, driving test and a written test for the candidates. It is undisputed that the applicants successfully undertook the physical endurance test as well as written test but have been declared as not having secured the prescribed parameters for the driving skill test.

4. Aggrieved by the rejection, the petitioners assailed the same by way of the application before the Central Administrative Tribunal.

5. The respondents filed a counter affidavit reiterating that the driving skill test was a qualifying test as per the recruitment rules and the candidates would be selected for the post as per merit position in the main examination conducted on 20th-23rd August, 2009 subject to their successfully clearing the physical endurance test. So far as the conduct of the driving test and the evaluation of the candidates is concerned, the respondents have made the following disclosures with regard to the manner in which the evaluation was effected as well as the performance of the petitioners:-(Para 5, 6, 7 and 8 page 44 and 45)

5. That the Driving Test consisted of two parts-theory (40 marks) and practical (100 marks). There was no negative marking. 60% was the qualifying marks for each of theory and practical. It is pertinent to mention here that there was nowhere mentioned that the candidates are required to obtain a minimum 33% marks in aggregate to qualify in the DST. Minimum qualifying 33% marks was mentioned for PET as prescribed by Chief Fire Officer. In the PET test the candidates were required to obtain minimum 33% marks in three events (not tests) i.e. Long Jump, High Jump and 80 mtr. Run separately in order to qualify in PET.

6. That the gradation pattern for the Driving Skill Test is as under:

* Grade was considered on the basis of overall performance of theory and practical.

** 40% weightage was given to theory and 60% weightage was given to practical.

*** Pass marks in theory was 60% and pass marks in practical was 60%.

7. That the final result processed on the basis of performance of the candidates in the Part-II (Main) examination and qualifying in the Physical Endurance Test (PET) and the Driving Skill Test (DST). These tests were of qualifying nature only. The last qualifying candidate in different categories obtained 107/200 marks in UR category, 95/200 marks in OBC category and 70/200 marks in SC category and also qualified in the PET and DST.

8. That since the petitioners failed to qualify the Driving Skill Test and their candidature for the post of Fire Operator was rejected. It is evident from the report of the Evaluation Board as detailed under:

6. The petitioners have challenged the prescription of the gradation so far as

driving skill was concerned by the respondents contending that the same tantamounts to changing the rules after the selection process had commenced. The Tribunal has held that assigning the yardstick of a numerical value being given to the driving skill with the help of experts in the field cannot be faulted. It has been held that the same was rational, universal and a certain methodology which was formulated in public interest so that ultimate justice results to all the candidates who would then be measured on the same yardstick.

7. We find no infirmity in the observations of the Tribunal to the effect that the universal standards have been adopted for holding the driving skill test of the candidates.

8. We find that the petitioners have made vague allegations to the effect that the respondents are knowingly manipulating the result with ulterior motive and preventing employment to the candidates who are approaching them through the backdoor and equally vague allegations of corruption in the department has been made in a later part of the writ petition. No specific allegations against any particular person or authority with the respondent has been made. Such allegation cannot support the challenge of the petitioners in the present case.

9. For all these reasons, we find no merit in this writ petition which is hereby dismissed.