

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 20.12.2016

+ W.P.(C) 11825/2016

ANKIT THAKRAN AND ANR. Petitioner

Through: Mr. N.S.Dalal with Ms. Richa
Sing and Mr. Alok Dev,
Advocates.

versus

THE REGISTRAR GENERAL. Respondents

Through: Ms. Anu Bagai, Advocate.

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA

JUDGMENT

INDIRA BANERJEE, J (ORAL)

1. In this writ petition the writ petitioners have challenged the process of selection for filling up vacancies in the posts of Junior Judicial Assistants / Restorers in the Delhi High Court and sought the quashing of the results of a typing test for appointment of Junior Judicial Assistants/Restorers.

2. By a vacancy notice dated 11.08.2015 issued by the Registrar General of Delhi High Court, online applications were invited from

Indian citizens for 40 vacant posts of Junior Judicial Assistants/ Restorers in the Delhi High Court. The requisite minimum qualification for appointment to the said posts was graduate from a recognized university with minimum typing speed of 40 words per minute on the computer in English.

3. The said notice inter alia provided that eligible candidates would be required to appear for a written test of two hours, of the objective multiple choice pattern, in English, comprising of Language Comprehension, General Awareness, General Mathematics and Reasoning Ability. Those candidates who qualified in the Objective test were to appear for a test in Comprehension and Essay Writing. Those candidates, who qualified in the Comprehension and Essay Writing test were to be called for a test of typing on the computer in English.

4. According to the petitioners both the petitioners faired very well in the Objective Test and the Subjective Comprehension/ Essay Writing Test. After the result of the typing test was published on the official website of the Delhi High Court, the petitioners came to know that they had been disqualified in the typing test. As per the result of the typing test, the typing speed of the petitioner no. 1 was 39.20 words per minute and the typing speed of the petitioner no. 2 was 36.44 words per minute.

5. According to the petitioners the typing speed of the candidates was measured without counting the space bars between the words. Had the

space bars been counted as words the petitioner No.1 would have clocked 47.04 words per minute and the petitioner No. 2 would have clocked 43.72 words per minute.

6. The petitioners contend that it was the practice in the previous years to treat the space bar as character in calculating the typing speed in the selection test for appointment of Junior Judicial Assistants/Restorers. The practice could not have been changed without intimation to the candidates.

7. The petitioners have also pleaded that:-

“even in the book printed by S.S. Publication and approved and recommended by the Director of Technical Education, Labour Ministry, Govt. of India, 1972, there is a mention of Space Bar as a Stroke. In fact, under the Heading “General Instructions & Rules Regarding Marking of Typewriting Mistakes”, at Serial N o.27, there is a reference of calculation of speed. The same is reproduced here as under:-

27. Calculation of Speed: (a) Words: Actual words in print being of unequal length, it is necessary to apply a uniform yard-stick in counting the words. The standard measure is: 5 strokes make on word. To the words typed, therefore, divide the number of strokes typed determined by 5. (space, pressing and release of shift and change of line are also counted as strokes).

Thus, from the aforesaid General Instruction it is clear that Space, Pressing and Release of shift and change of line are also counted as strokes. Thus, Space Bar is a part of Character of the typing and has to be counted towards the

Speed. Once the Directorate of Technical Education, Labour Ministry, Govt. of India allows the Space Bar to be counted towards the Speed then the same should be counted. Hence, the Speed of the Petitioner No.1 should be treated as 47.04 words per minute and the Speed of the Petitioner No.2 should be treated as 43.71 words per minute, thus fulfilling the requisite condition of 40 words per minute as was so mentioned in the Advertisement.”

8. The petitioners contend that in other typing tests conducted elsewhere the space bar is counted as character for computation of the speed. The same practice should have been followed in this test.

9. Counsel for the petitioners also referred to the result of the Selection Test held in 2012 and submitted that there was no reference to the space bar then, but the result of this year clearly indicates that the space bar has been excluded.

10. Counsel also argued that the requirement of typing speed was on the higher side since the speed requirement for the same post in the Supreme Court with a different nomenclature of Junior Court Assistant, was less.

11. There is no hard and fast rule that space bar must be counted as a character. The space bar may or may not be counted as a character. The authority conducting an examination in typing is entitled to fix its own rules with regard to the examination.

12. The nature of typing work required to be done in the High Court and other Courts is different from the nature of typing work that is required to be done in Government and other offices. The High Court is entitled to fix higher standards. It is not necessary that the High Court should conform to standards applied by Government offices.

13. In the absence of any specific rule, which restricts the power of an employer to determine the typing speed, it is for the employer to determine the requisite typing speed for appointment.

14. The comparison sought to be made by counsel with the speed requirement for the post of Junior Court Assistant of the Supreme Court, is misconceived. The nomenclature is different. The details of the job requirements of the post of Junior Court Assistant have not been mentioned. It is not clear, if the duties of the Junior Court Assistant are identical to those of Junior Judicial Assistants/Restorers of the High Court.

15. In any case, the petitioner participated in the selection process, knowingly well that required speed was 40 words per minute. Having participated in the selection, the petitioner cannot, after being unsuccessful, challenge the selection procedure on the ground that the speed requirement was on the higher side in comparison to the speed requirement for the post of Junior Court Assistant of the Supreme Court.

16. There is no cogent material to show that there has been any change of practice with regard to the mode of computation of the typing speed, compared to previous years and in any case, this is denied on behalf of the respondent. Furthermore there is no bar in law to making changes in the procedure of selection, in a subsequent year.

17. Vacancy notice does not specify the mode and manner of computation of the typing speed. The examining body may compute the typing speed in any legally acceptable manner, as long as the typing speed is uniformly assessed in case of all candidates.

18. We find no infirmity at all in the procedure adopted by the Registry of the High Court for assessment of the typing speed of candidates for the post of Junior Judicial Assistant/Restorer.

19. For the reasons discussed above the writ petition is dismissed.

20. Copy of the order be given dasti.

INDIRA BANERJEE, J

ANIL KUMAR CHAWLA, J

DECEMBER 20 , 2016