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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7463/2015**

Date of Judgment : 07.08.2015

SHYORAJ MEENA

..... Petitioner

Through : Mr. Y. S. Chauhan and Mr. Gulab
Singh, Advocates.
Petitioner in person.

versus

COMMISSIONER OF POLICE & ANR

..... Respondent

Through : Mr. Raman Duggal, Standing
Counsel for GNCTD for
Respondent Nos. 1 & 2 with
Mr. Arun Panwar and Ms. Aayushi
Gupta, Advocates.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J. (ORAL)

CM APPL. 13778/2015

1. Exemption allowed subject to just exceptions.
2. Application stands disposed of.

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3. The petitioner had joined the respondent as a Sub Inspector (Exe.). He had taken a written examination to enable him to pass the police training. He secured 55 marks out of 150 in Police Science-II examination and thus declared unsuccessful as not having secured the minimum marks i.e. 75 marks.

4. The petitioner sought re-evaluation and re-totalling in his answer sheet. By a communication dated 30.08.2012, a Board was constituted which opined that the evaluation was correct and the petitioner had rightly been awarded 55 marks out of 150. The petitioner thereafter made an application under the Right to Information Act on 20.09.2012 to obtain a copy of his answer sheets of the relevant examination and after receiving the same he noticed that question no. 3 (E) & (J), 6 & 8 were shown as cancelled by a line drawn over the answers. Meanwhile, the petitioner was granted a chance to appear in the supplementary indoor examination of Police Science-II but the applicant did not appear in the supplementary indoor examination on the ground that no favourable answer to his representation for re-evaluation and re-totalling was given by the authorities. On 18.02.2013, the petitioner was informed that a Board which was constituted to re-evaluate and re-total his answer sheets came to the conclusion that the candidate has himself cross-marked his answer in his answer sheets and moreover the applicant had alleged to have attempted the answers twice and due to this reason he has been declared unsuccessful. On 21.05.2013, the applicant received a show cause notice calling upon him to show cause as to why his services should not be terminated as he failed to clear the examination.
5. Aggrieved by the decision to terminate his services, the petitioner approached the Central Administrative Tribunal. The learned Tribunal dismissed the O.A. filed by the petitioner. We may note

that the learned Tribunal took into account that in fact upon the request of the petitioner, a Board was constituted and the answer sheets were checked. It was found that the answers given with regard to those questions which have been struck out were either vague or not correct.

6. At this stage, the learned counsel for the petitioner submits that the petitioner wishes to withdraw this petition. However, he would make a representation to the respondents, also appear in the supplementary examination and the respondent should be directed to take a sympathetic view in the matter as the petitioner is an Ex-Serviceman and has a good past academic record having secured 68.1% marks in graduation and 79.1% marks in Diploma of Engineering. Accordingly, the present writ petition is dismissed as withdrawn.
7. Mr. Chauhan submits that the representation will be made within two weeks from today. In case the representation is made, we direct the respondent to consider the representation sympathetically and in accordance with law within a period of four weeks of receipt of the representation. The writ petition is disposed of in above terms.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

AUGUST 07, 2015 / sc