

Gurbax Singh
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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No. 22080 of 2016
Date of decision: 22.11.2016**

Harjeet Singh and others

.....Petitioners

Vs.

The Central Administrative Tribunal, Chandigarh Bench and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: Mr. Sunny Bhardwaj, Advocate for the petitioners.

Ajay Kumar Mittal,J.

1. Through the present petition filed under Articles 226/227 of the Constitution of India, the petitioners pray for quashing the impugned order dated 20.9.2016, Annexure P.1 passed by the Central Administrative Tribunal, Chandigarh (CAT) and the result of the type test conducted by the respondents on 20/21.8.2016 wherein no criteria was disclosed to the candidates including the petitioners. Further prayer has been made for re-conducting the type test.

2. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. The Chandigarh

Administration advertised 253 posts of clerks to be filled in various departments with common cadre of clerks and 42 posts of lower division clerks in Engineering department and electricity Wing (Annexure A.3). Online applications for the said posts were invited by 12.10.2015. The requisite qualification was Graduation and type speed was 35 words per minute in English on computer. According to the petitioners, no reference was made in the advertisement with respect to the typing and ignorable mistakes though in the case of Steno Typist (common cadre), it was specifically mentioned that no candidate shall be considered to have qualified the test, if he/she commits more than 8% mistakes. Though the criteria for written test was disclosed in the advertisement but no criteria for type test was disclosed except that type test on computer at 35 words per minute only as qualifying test. The petitioners being eligible, applied for the said posts and submitted their online applications. After adjudging their eligibility, the petitioners were called for written test on 5.6.2016. When the result was declared, the cut off marks were fixed as 140 for general category candidates. All the petitioners were amongst the successful candidates and had secured more than 140 marks. The result was declared on 28.6.2016. The candidates who qualified written test, were called for typing test on 20/21.8.2016 keeping in view the number of vacancies. The petitioners also appeared for the said type test. However, neither in the advertisement nor at the time of beginning of the type test, any criteria i.e. number of mistakes ignorable, total words to be typed within the specified time etc. were disclosed to the candidates despite asking by the petitioners and other candidates. The type test was of 10 minutes and speed required was 35 words per minute. When the type test started, material containing 1219 words was there. According to the petitioners, the speed for typing the whole

material within 10 minutes should have been more than 120 words per minute. Out of total 986 candidates, only 109 candidates could qualify the type test. After declaration of result of type test, the petitioners got information under the Right to Information Act, 2005 ("RTI Act") that no ignorable mistakes had been deducted and the criteria adopted by the respondents for type test was alien to the standard criteria followed by various other departments including Indian Railways and Staff Selection Commission. The respondents have called the candidates who are lower in merit and ignored the cut off already fixed so as to afford opportunity to them to appear in the test for the remaining vacancies. Hence the petitioners are before this court with the grievance that the action of the respondents in conducting type test without disclosing any criteria is illegal and arbitrary.

3. We have heard learned counsel for the petitioners.

4. Admittedly, the candidates who qualified the written test were called for typing test on 20/21.8.2016 keeping in view the number of vacancies. The petitioners appeared for the typing test. The grievance of the petitioners is that no criteria for conducting the said type test were disclosed to the candidates including the petitioners. The criteria adopted by the respondents for type test was identical to the standard criteria followed by various other departments including Indian Railways and Staff Selection Commission. The petitioners did not qualify the typing test as their performance in typing was much below the criteria adopted by the respondents. Thus, the Tribunal did not find any error in the action taken by the respondents and dismissed the application. Even before this Court, learned counsel for the petitioners has not been able to show that the action taken by the respondents which has been upheld by the Tribunal suffers

from any illegality or arbitrariness. Consequently, finding no merit in the petition, the same is hereby dismissed.

(Ajay Kumar Mittal)
Judge

November 22, 2016
‘gs’

(Ramendra Jain)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes