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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3452/2016

Date of decision: 29th April, 2016

SHYAM SUNDER GUPTA & ORS.

..... Petitioner

Through Mr. K.P. Gupta, Advocate.

versus

THE SECRETARY, DELHI SUBORDINATE SERVICE SELECTION BOARD

..... Respondent

Through Mr. Sanjoy Ghose, ASC with Mr. Yash S. Vijay, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAJMI WAZIRI

SANJIV KHANNA, J. (ORAL)

This writ petition impugns order dated 4th January, 2016 passed by the Principal Bench of the Central Administrative Tribunal whereby O.A. No.2469/2014 filed by the three petitioners before us and one Avnish Kumar, was dismissed. It appears that the said Avnish Kumar has not filed any writ petition before this Court.

2. Petitioner No.1, Shyam Sunder Gupta pursuant to advertisement Nos.001/2010 and 2/2010 issued by the Delhi Subordinate Service Selection Board had applied for selection and appointment as Trained Graduate Teacher (Social Science), Male under Post Code No. 09/10 and under Post Code No.59/10, respectively. Petitioner Nos.2 and 3, namely, Shilpa Soni

and Jyoti had similarly applied for appointment as Trained Graduate Teacher (Social Science), Female under Post Code No.10/10 and Post Code No. 60/10, pursuant to the two advertisement dated 001/2010 and 2/2010.

3. In the result published on 24th August, 2012, separate lists of candidates from unreserved category, candidates from OBC category and from Schedule Caste category were declared successful against Post Code No. 09/10, Post Code No.10/10, Post Code No.59/10 and Post Code No.60/10. These candidates were shortlisted for checking and marking of part-II i.e. descriptive examination paper.

4. The petitioners herein were shown as qualified and eligible for part-II examination.

5. Subsequently, the respondents published a revised result notice dated 27th September, 2012 consisting of same number of candidates in general category, in OBC category and in the Schedule Caste category relating to Post Code Nos.09/10, 10/10, 59/10 and 60/10. In this list, the petitioners did not figure.

6. Aggrieved, the petitioners filed the aforesaid OA before the Tribunal, which has been dismissed by the impugned order.

7. Contention of the petitioners is that the revised result was published without any justification and cause. It is alleged that there was tampering with marks etc.

8. The respondents in their counter affidavit before the Tribunal had explained the factual position and why the revised result or select list was published on 27th September, 2012. The revised list was necessary to correct the error/mistake in the earlier result published on 28th April, 2012. It was explained that due to technical fault, the candidates, who had applied for different post codes were not considered for the second or other code. Only the first post code was considered. The error had occurred as only one ID irrespective of the post codes in which application was made was issued to each candidate. The said candidate ID was loaded in the master data provided by the notified agency. In these circumstances, the result was reprocessed and consequentially the revised and correct merit list was published on 27th September, 2010.

9. Factually there is no challenge to the aforesaid narration and the reason given by the respondents, which we find is cogent and adequately explains the reason why the revised result was published. The advertisements would show that vacancies in different post codes were advertised.

10. Learned counsel for the petitioner has submitted that as per paragraph 8 of the advertisement, more than one application by the same candidate for the same post was to be treated as invalid application. Paragraph 8, sub-para 'k' reads as under:-

“k. More than one application for the post by the same candidate for the same post.”

In our opinion, the Tribunal has rightly rejected the contention and has interpreted the paragraph to mean that a candidate was not entitled to file more than one application for the same post. More than one application for the same post were to be treated as invalid. The clause did not deal and prohibit application for multiple post codes.

11. Learned counsel for the petitioner has drawn our attention to paragraph (ii) of the writ petition. It is submitted that the respondents have committed a mistake by repeating the name of the candidates in the revised list published on 27th September, 2012 against two post codes as both the post codes relate to one post i.e. Trained Graduate Teacher (Social Science). In other words, the contention is that same roll numbers find mention in different post codes i.e. a candidate has been selected for Part-II descriptive examination under Post Code No.9/10 as well as 59/10 and also 10/10 as well as 60/10. It is pointed out that a common first stage examination had taken place for advertisement Nos.001/10 and 2/10. It is not difficult to appreciate and understand why common roll numbers are to be found in the result for different post codes. Advertisement No.001/2010 was published on 22nd February, 2010 and Advertisement No.02/10 was published on 12th July, 2010. In some cases, candidates had applied under both the

advertisement. However, there would be cases in which a candidate would have applied only under one advertisement. The dates on which the application should be received under the two advertisements would be different. The contention that common Part-I and even Part-II examination were held and, therefore, one select list should have been published, must be rejected. It is obvious that separate different lists had to be published for there were two advertisements. Separate results had to be declared. It was not possible to have a common or a joint result list for both the advertisements.

12. We do not, therefore, find any error in the order passed by the Tribunal. The writ petition has no merit and is dismissed.

SANJIV KHANNA, J.

NAJMI WAZIRI, J.

APRIL 29, 2016

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