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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 4519/2016 & CM Nos.18850-61/2016**

Date of Decision : 19th May, 2016

STAFF SELECTION COMMISSION

..... Petitioner

Through: Mr. Arun Bhardwaj, CGSC with
Mr. Shukla & Mr. Minansak
Bhardwaj, Advocate

versus

KRITIKA RAJ

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAJMI WAZIRI

SANJIV KHANNA, J. (ORAL)

Staff Selection Commission, by this writ petition, impugns the order dated 7th December, 2015 passed by the Principal Bench of Central Administrative Tribunal, whereby OA No.1413/2015 filed by Ms. Kritika Raj has been allowed, with a direction that, if otherwise eligible, she would be appointed to the post of Assistant in the Central Civil Service ('CSS').

The respondent had appeared in the Combined Graduate Level Examination-2013 vide Roll No.2201032268. On the basis of her performance in Tier-I and Tier-II examination, the respondent had opted for an interview post and was interviewed on 9th January, 2015. Being eligible, she had also participated in the Computer Proficiency Test ('CP Test') on 29th January, 2015. This CP Test consisted of three modules – Word Processing, Spreadsheet and Generation of Slides. The said test was a

qualifying test for candidates seeking appointment to the post of Assistant in CSS.

As per the results declared on 12th March, 2015, the respondent was declared as selected for the post of Assistant in CSS vide rank No.SL/I/1414. However, this result was cancelled due to system failure. In the revised result published on 25th March, 2015, the respondent was ranked at SL/I/1415 as she was allotted 'zero' marks in PowerPoint (Module-III) in CP Test. The respondent, as per the said marksheet, had obtained 62 marks in Module-II, i.e., Excel Test. Having not qualified the CP Test, she was declared ineligible for appointment as an Assistant.

The reason given for awarding 'zero' marks to the respondent was that she had incorrectly filled-up her Roll No. in the Powerpoint Exercise Sheet, as 221032268 instead of 2201032268. In other words, she had missed the numerical 'zero' after the initial numerals '22'.

The Tribunal in the impugned order, for varied and detailed reasons, has accepted and allowed the OA and held that award of 'zero' marks in Module-III was improper and wrong.

The printout of the original slide of Module-III has been produced in the Court. The name of the candidate, i.e., the respondent, was transcribed by the candidate. The slide mentions the date and time when the respondent had developed the said slide on the computer. Module-I and II tests were undertaken on the same date and time. The Module-III paper was evaluated and the respondent obtained 86 marks out of 100. It is noticeable that the first three numerical, i.e., 220 represent the regional office code. The actual or identifying Roll No. of the respondent was 1032268. These seven digits would identify the particular candidate.

The CP Test required the candidate to mention her name and this procedure and requirement was unlike the written Tier-I and Tier-II examination, where the identity, i.e., name etc. are hidden and concealed. Further, the CP Test was merely a qualifying examination, i.e., a candidate was required to pass. The marks awarded in the said examination were not to be added to the overall score.

In view of the aforesaid position, we do not think it is appropriate and proper for us to interfere with the order passed by the Tribunal. We agree that, in a given situation writing an incorrect roll number may have different consequences. However, in the present case, the error made was inconsequential and immaterial as the name of the candidate was mentioned on the Slide Test (Module-III), correct roll number was mentioned and recorded in Module-I and II conducted simultaneously and that there was no scope or debate about the identity of the candidate. No confusion or inconvenience was caused. The error and lapse in the present factual matrix would not justify disqualification or rejection.

The writ petition being devoid of merit is dismissed. CM Nos.18850-61/2016 also stand dismissed.

SANJIV KHANNA, J

NAJMI WAZIRI, J

MAY 19, 2016

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