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

+ **W.P.(C) 9131/2016**

SI/GD AJIT SINGH AND ORS

..... Petitioners

Through: Mr. A.K. Singh & Mr. Shiv Kumar
Kohli, Advocates

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. G.G.C. George, Advocate

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **03.10.2016**

1. In this writ petition, the petitioner has sought a writ in the nature of mandamus commanding the respondents to call for the records relating to the selection process of the petitioners in the Limited Departmental Competitive Examination (LDCE) 2015-2016 (AC) conducted by the Board Security Force (BSF) for appointment of Assistant Commandants in the Central Armed Police Forces. Further directions have been sought directing the respondents to recheck/re-evaluate the answer scripts in Paper-III that is the English Language Paper, for the post of Assistant Commandant (General Duty) in the Central Armed Police Forces.
2. On 23.05.2016, a notification was issued for selection to the post of Assistant Commandant (GD) in the Central Armed Police Forces through LDCE Examination 2015-2016.
3. The petitioners appeared in the examination on 28.08.2016 and on 30.08.2016, the Papers I & II results of the LDCE 2016 was declared. It is

stated that the petitioner No. 1 ranked forth from amongst 424 candidates of the CRPF (Central Reserve Police Force) and his position was 5th among the all candidates of CRPF, SSB and B.S.F. According to the petitioners, on 02.09.2016, the petitioners qualified in the Physical Efficiency Test (PET) which was conducted between 31.04.2016 to 02.09.2016. On 21.09.2016, the results of Paper-III that is the English Language were declared. The petitioner was disqualified in the English Language Paper.

4. It is the grievance of the petitioners that the marks of the English Paper obtained by the petitioners were not conveyed to the petitioners. According to the petitioners on 21.09.2016, the petitioners filed an application under the Right to Information Act for details of marks obtained by the petitioners in the English Language in the written test of the LDCE 2016. According to the petitioners, no reply has been received by the respondents till date. It, however, appears that the time for reply to a query under the Right to Information Act has not yet expired and in any case, the petitioner has the remedy of an appeal under the Right to Information Act itself.

5. There are apparently no rules for review or re-evaluation of answer scripts in the LDCE Examination. No grounds have been made out for the reliefs claimed in the writ petition.

6. Learned counsel appearing on behalf of the petitioners submits that the questions were set out of syllabus. Our attention has been drawn to the advertisement for selection to the post of the Assistant Commandant (General Duties) in CAPFs through LDCE Exam 2015-2016. There are total 100 marks for Paper-III. The note reads that the medium of writing of essay

may be opted by the candidate as Hindi or English. However, medium of writing précis and comprehension would be English. It is doubtful whether the aforesaid note can be construed to be a syllabus for the English Paper. It is only an indication that a candidate may opt for medium of either Hindi or English for writing of Essay but in case of précis or comprehension, medium would necessarily have to be English. Be that as it may, the petitioner took the test without any protest. The objection that the questions were out of syllabus, had not been raised at the time of the examination, or immediately thereafter. Being unsuccessful in the examination, the petitioners are now questioning the selection process/examination process. It is well settled that a person who takes part in the selection process and appears for the selection test in any paper without demur or protest, cannot on emerging unsuccessful challenge the selection procedure; and/or the selection test.

7. It is not for this Court to sit in appeal over the assessment made by competent examiners. This Court cannot re-analyse the answers in an examination. Nor can the Court direct re-evaluation or review for the asking in the absence of any rules which provide for revaluation or review. As observed above, the time for response to the Right to Information Act has not yet expired and it is expected that the respondent-authorities will furnish the information of marks and other details of the English Paper to the petitioners forthwith.

8. The writ petition is not entertained and the same is disposed of with the above observations.

CM No. 36955/2016 (stay)

Dismissed as infructuous.

INDIRA BANERJEE, J

V. KAMESWAR RAO, J

OCTOBER 03, 2016

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