

\$~20

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

+ W.P.(C) 1227/2017

STAFF SELECTION COMMISSION AND ANR. Petitioners

Through: Mr. Vijay Joshi and Ms. Meenakshi Pandey,
Advocates

versus

ANIL

.... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

%

15.02.2017

CM No. 5539/2017

1. Exemption allowed subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 1227/2017 and CM No.5538/2017 (stay)

1. The impugned order dated 16.05.2016 by the Principal Bench of the Central Administrative Tribunal allows OA No. 2324/2015 with the direction that the respondent- Anil would be considered for recruitment to the post of Multi-Tasking (non Technical) in the Delhi Region.
2. The respondent, a other backward class candidate, had applied for selection to the post of Multi-Tasking(Non-Technical) in the staff examination, 2014. In the online application form the respondent had opted for Delhi. Accordingly, roll number was issued and he had appeared in the Test Centre in Delhi on 23.02.2014.
3. The respondent had secured 99.25% marks in the written examination,

Part 1. Since, the cut off marks for the OBC category in Delhi was 96.75%, the respondent was declared qualified for the second stage paper-2, which was qualifying in nature. In the second stage, the respondent had secured 38 marks, which were the qualifying marks for paper 2 for Multi-Tasking (non technical) in Delhi.

4. The respondent having qualified in papers 1 and 2 for Delhi was asked to appear for document verification with original records.

5. The petitioner- the Staff Selection Commission claim that the respondent in the online form for document verification had opted for the State of Rajasthan in the column relating to the State Code and therefore he was considered for selection for the State of Rajasthan and was not selected as the cut off for OBC category in paper 1 for the State of Rajasthan was 113.75 marks and the respondent had secured 99.25 marks in paper 1. It is submitted that the candidates were permitted and allowed to change and opt for another State Code at the document verification stage.

6. We are perplexed and cannot understand why and for what reason the candidates were asked to choose or opt for the State at the document verification stage. The stipulation in the notification for recruitment was that the candidates must fill up separate application forms for each State/UT and submit them to the Regional Office having jurisdiction over each State/UT. Roll numbers were separate and examinations were separate. Thus terms and conditions did not postulate change of option or State Code at a subsequent stage. By default the State/UT opted in the online form at the time of registration should have been recorded.

7. Change the State after declaration of results, can lead to malpractice as for each State there were different exams, marking, different cut offs etc.

The candidates could be misled and make a mistake under confusion, as apparently has happened.

8. Even if change of State was permissible, the candidate should have been told and warned that there were different cut off marks for each State, and therefore if they can opt for change, they may not be selected and their earlier qualification for paper-2 would be in jeopardy. There is nothing on record to show and indicate that the candidates were warned and told that about the consequences if they opt for change of State Code.

9. Common sense tells us that the respondent would have never opted for Rajasthan at the document verification stage as he had secured 99.25 marks in paper 1, which were less than the cut off of 113.75 marks for the OBC category in the State of Rajasthan. With the said marks the respondent had not qualified to appear for the stage two/paper-2 examination in the State of Rajasthan. The respondent had appeared and qualified in the stage-paper-1 as he had opted for Delhi State where the cut off in the OBC category was 96.25 marks.

10. We do not find any merit in the present writ petition and the same is dismissed. No orders as to costs.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

FEBRUARY 15, 2017

b