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

+ **W.P.(C) 3682/2017, C.M. Nos. 16225//2017**

SONI SEHRAWAT

..... Petitioner

Through: appearance not given.

versus

DELHI SUBORDINATE SERVICES SELECTION BOARD & ANR

..... Respondents

Through: Mr. Satyakam, Addl. Standing
Counsel, Govt. of NCT of Delhi.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

01.05.2017

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C.M. No. 16226/2017 (exemption)

Allowed, subject to just exceptions.

W.P.(C) 3682/2017, C.M. Nos. 16225//2017

The petitioner assailed the order dated 17.03.2017 passed by the Central Administrative Tribunal (hereinafter referred to as 'the Tribunal') in OA No. 3020/2015. The Tribunal has dismissed the said Original Application preferred by the petitioner.

The respondent no. 1 issued an advertisement no. 02/2012 inviting application for the post of Assistant Teacher (Primary), Post Code -101/12 in the Directorate of Education, GNCTD of Delhi. The petitioner participated in the selection process. Unfortunately for the

petitioner, the petitioner was not one of those candidates who were selected when the result was declared vide Result Notice No. 405 dated 24.06.2015. On 29.08.2013, the respondent no. 1 published the Answer Key in respect of the said examination held on 25.08.2013 after the conduct of the examination. The petitioner raised issues with regard to the answers given in the 'Answer Key' in respect of five questions, namely at serial nos. 64, 94, 145, 190 and 197. He also suggested the answers which according to him were correct. The petitioner claimed that if he had been marked correctly in respect of the aforesaid five questions, he would have got selected. Before the Tribunal, the respondents were directed to file a short affidavit indicating the questions which were having defective answers as pointed out in various representations, which were considered by the expert body and also to indicate whether the petitioner's representations were also referred to the expert body. The respondents filed an additional affidavit stating that many representations against the alleged wrong answers in the 'Answer Key', were received from unsuccessful candidates including the applicant/petitioner and they were sent for examination to the expert body. The finding returned by the expert body were that the answers in the 'Answer Key' to question nos. 145 and 190 in D series were liable to be revised from 'C' and 'D' to 'B' and 'A' respectively.

It appears that the petitioner was not satisfied with the response of the respondents and contended that answers to question nos. 94 and 197 in the 'Answer Key' were also incorrect. The Tribunal disagreed with this submission of the petitioner on the ground that the

expert body has examined the representations made to it and revised the answers wherever it was found necessary. Consequently, the Original Application was dismissed.

The submission of learned counsel for the petitioner is that despite a specific query raised by the respondents vide order dated 19.12.2016 passed by the Tribunal as to whether the petitioner's representations had also been referred to an expert body, no subsequent answer was given by the respondents. Learned counsel submits that the answers to question nos. 94 and 197 have still not been re-examined by the expert body.

Learned counsel for the respondent has appeared on advance notice and he has tendered in Court the status report dated 30.04.2017 signed by Mr. Devendra Sharma, Dy. Secretary (Secret Cell) along with the notice dated 13.12.2013 with the subject "Final 'Answer Key' of objective type one tier examination for the post of Assistant teacher primary 71/09 and 101/12". In the status report dated 30.04.2017, the respondents have *interalia* stated as follow:-

"STATUS REPORT IN WP (CIVIL) No. 3682 of 2017 TITLED SONI SEHRAWAT V/s DSSB & Anr.

Main contention in the petition is regarding answer keys of Question numbers 94 and 197 in 'D' series of the examination held on 25/08/2013 for the post of Assistant Teacher (Primary) Post Code 70/09 and 101/12. In this regard it is submitted that consequent upon receipt of representations a number of questions included the above two were sent to the subject expert on 10/09/2013. However, no change was suggested in respect of any of the questions. The same

was notified on 13/12/2013 for information of all concerned. The evaluation based upon final answer key was done, result declared on 18/05/2015 and the candidates nominated.”

In view of the additional affidavit filed by the respondents, in terms of the directions dated 19.12.2016, and; the notice dated 05.12.2014 revising the answer key in respect of three questions and; the status report tendered in Court today by the respondents, it is abundantly clear that the expert body has examined the grievance of the petitioner *interalia* in relation to question numbers at serial nos. 94 and 197 in Series D question paper.

The advertisement for the examination in question was issued in the year 2012; the examination was conducted on 25.08.2013 and even the results were declared on 24.06.2015 and the revised result was also declared on 20.02.2015. In these circumstances, we are of the view that there is no merit in the present petition since the doubts raised by the petitioner *interalia* in respect of questions at serial nos. 94 and 197 in D series question paper has already been addressed and also much water has flown under the bridge as the selection process has since long been completed. Dismissed.

VIPIN SANGHI, J

DEEPA SHARMA, J

MAY 01, 2017

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