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

+ **W.P.(C) 7993/2017**

ABHISHEK BHARDWAJ

..... Petitioner

Through: Mr. T.D. Yadav, Adv.

versus

THE CHAIRMAN STAFF SELECTION COMMISSION AND ANR

..... Respondent

Through: Ms. Ruchi Jain, Adv for R-1&2

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER
11.09.2017

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The petitioner has preferred the present petition to assail the order dated 23.05.2017 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (CAT/ Tribunal) in O.A. No. 1468/2015, whereby the said O.A. preferred by the petitioner has been rejected.

The petitioner was a candidate belonging to the unreserved category who had applied for the Stenographer Grade C & D Examination 2014. The examination was held on 14.09.2014. The scheme of the examination was such that it consisted of a written examination of 200 marks and skill test in shorthand. Candidates who got qualified in the written examination were called for the skill test. The skill test was of a qualifying nature. The

persons who had qualified in the written exam were called for the skill test. The said test consisted of dictation of ten minutes in either English or Hindi. The matter had to be transcribed on computer only.

The candidates who met the prescribed cut off were considered. For Stenographers Grade-C upto 5% mistakes were permitted for the unreserved category and upto 7% mistakes were permitted for the reserved category. For Stenographers Grade-D upto 7% mistakes were permitted for the unreserved category and upto 10% mistakes were permitted for the reserved category.

The applicant in the said skill test made 5.01% mistakes and was thus not selected, since the cut off was 5%. He approached the tribunal aggrieved by the said result. Before the tribunal, the respondents explained the manner in which the percentage of mistakes in relation to the petitioner was computed by filing an additional affidavit. We consider it appropriate to set out herein below the said affidavit in extenso:

*The Applicant is a UR category candidate of the Stenographers (Grade 'C & 'D') Examination, 2014 advertised by the Commission in the Employment News/Rozgar Samachar dt.31.05.2014. The Written Examination was held on 14.09.2014. The Scheme of Examination as stated in Para 8 of the Notice consisted of a Written Examination of 200 marks and Skill Test in Stenography. Candidates who obtain the qualifying marks in Written Examination are called for the Skill Test. The Skill Test is of qualifying nature. The Applicant qualified the Written Examination and was called for the Skill Test conducted on 23.12.2014. The Skill Test in Stenography consisted of a dictation of 10 minutes in English/Hindi at the speed of 100 w.p.m. for the post of Stenographer Grade 'C. **The matter is required to be transcribed on computer only.** The transcription time allowed for Grade 'C Stenographers was 40 minutes for English and 55 minutes for Hindi.*

The candidates of the said Exam who committed upto the following permissible cut off mistakes in Skill Test, were considered for appointment:-

- (a) *Upto 5% mistakes in case of UR candidate and upto 7% mistakes in case of all reserved category candidates for the post of Steno Grade C .*

The candidates who qualified in the Skill Test were selected based upon their performance in the Written Examination.

The Applicant committed 5.01% mistake and was not selected for Stenographer Grade 'C as the cut off mistakes permissible for selection in the said Exam was 5.00%. The Court has directed to apprise it the criteria to find out the mistakes of 5.01%.

It is submitted that the error in Skill Test is calculated using a specific formula which is as follows:

Percentage of error =

$$\frac{\text{Total number of mistakes (full mistakes + half mistakes)} \times 100}{\text{Total number of words in passage}}$$

In case of the Applicant the following detail is being provided:-

Roll No	Name	Passage	No of Word Typed	Half Mistakes	Full Mistakes	Total Mistakes	Percent age Error
2201022495	ABHISHEK BHARDWAJ	999	987	21	40	50	5.01

Note:

- 1) Total number of mistakes = (Full Mistakes + 1/2 x Half Mistakes)*
- 2) If half mistake is less than or equal to 0.5, it is taken as zero and if it is more than 0.5, it is taken as 1 (one)*

Thus, it is possible to come to a figure of 5.01% as in the case of the Applicant (candidate)''

This affidavit had been filed since it was contended by the petitioner before the tribunal, and is also contended before us that it is not possible for a candidate to secure 5.01% mistakes, since according to the petitioner, the marking scheme considers the mistake as either full or half.

We have heard counsel for the petitioner and we find absolutely no merit in this petition. The submission of Mr. Yadav is that when a mistake is considered as full or half, it is not possible that the percentage of mistakes to be 5.01%. According to him, it would either be 5.00 or 5.50.

It is obvious to us that the petitioner is failing to understand the formulae applied by the respondent, which has been clearly explained by them in their additional affidavit filed before the tribunal. The passage which the petitioner was required to type consisted of 999 words; the number of words typed by the petitioner were 987; the same contained 21 half mistakes; it also contained 40 full mistakes. By applying Note-2, the total number of mistakes were calculated as 50, which translated to 5.01%. Thus, the submission of the petitioner that the percentage error could not be 5.01% has no basis.

For the aforesaid reasons, we find no merit in this petition. Dismissed.

VIPIN SANGHI, J

REKHA PALLI, J

SEPTEMBER 11, 2017

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