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

+ W.P.(C) 10843/2018 & C.M. No.42308-42310/2018

AJEET SINGH

..... Petitioner

Through Ms.Aishwarya Dobhal, Adv.

versus

DELHI SUBORDINATE SERVICES SELECTION
BOARD AND ORS.

..... Respondents

Through Ms.Avnish Ahlawat, Adv. for R-1 & 2.
Mr.Sumit Pushkarna, Adv. for R-3.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **10.10.2018**

1. The present petition has been filed by the petitioner seeking quashing of the order dated 28.08.2018, passed by the Central Administrative Tribunal, Principal Bench, New Delhi, dismissing OA No.3354 of 2018 filed by the petitioner praying *inter alia* for quashing and setting aside the finalized answer keys issued by the respondent no.1/DSSSB in respect of an examination conducted for various posts including the post of Administrative Officer/Zonal Revenue Officer in the respondent no.3/Delhi Jal Board, subject matter of advertisement No.02 of 2012 (Post Code No.67/12).

2. By the impugned order, the Tribunal has rejected the Original Application filed by the petitioner praying *inter alia* for directing

respondent no.1/DSSSB to rectify the answer keys of three questions bearing numbers 44, 77 & 84 of the question booklet serial No.“B” for Tier-II examination conducted on 03.06.2018, by observing that the prayer made by the petitioner could be acceded to and it was the duty of the respondent no.1/DSSSB to ensure that the answer-key contains the correct answers to the question. For rejecting the prayer of the petitioner, the Tribunal has placed reliance on a decision of the Supreme Court in the case of ***Ran Vijay Singh & Ors. Vs. State of U.P. & Ors. (2018) 2 SCC 357*** wherein it has been held that the Court should not at all re-evaluate or scrutinize the answer sheets of a candidate as it has no expertise in such matters and academic matters are best left to academicians. Further, the Supreme Court observed that Courts should presume the correctness of the answer keys and proceed on that assumption and in case of any doubt, the benefit should go to the examining authority, rather than to any candidate.

3. Learned counsel for the petitioner submits that when the respondent no.1/DSSSB uploaded the answer keys in respect of the Tier-II examination conducted on 03.06.2018, on its website, they had invited challenge to the said answer keys from candidates. In response thereto, the petitioner had questioned the answer key in respect of five questions i.e. Questions No.44, 55, 71, 77 & 84. The Expert Committee constituted by the respondent no.1/DSSSB had examined all the challenges received from various candidates and thereafter, accepted the challenge of the petitioner herein to question nos.55 & 71 whereas it had rejected the challenge laid by him to

questions No.44, 77 & 84. Subsequently, the respondent no.1/DSSSB had without any reason deleted question Nos.55 & 71 from the ambit of evaluation for all the candidates and confined the ambit of evaluation to the remaining questions.

4. Learned counsel states that as a result of rejecting the challenge laid by the petitioner to questions No.44, 77 & 84 and by deleting questions No.55 & 71 in respect whereof his challenge had been found to be correct, the petitioner has been adversely affected for the reason that had he been awarded marks for the questions, answer keys whereof he perceives to be wrong and had questions No.55 & 71 also been taken into consideration, he would have scored much higher marks and the same would have resulted in improving his overall merit position.

5. We may note that it is undisputed that based on 65.3 marks obtained by him, the petitioner's name is featuring in the list of shortlisted candidates. Merely because the petitioner thinks that he would have secured five more marks and thereby achieve the score of 67.3, cannot be a ground to assail the action of the respondents and call for re-evaluation of the OMR answer sheet. We are inclined to agree with the observations made by the Tribunal that it is not for the Courts to re-evaluate an already scrutinized answer sheet of the candidate as they lack the expertise in the said field and these matters ought to be examined by the specialized body as has been constituted by the respondent no.1/DSSSB in the instant case.

6. For the reasons stated hereinabove, the present petition is dismissed as meritless along with the pending applications.

HIMA KOHLI, J

OCTOBER 10, 2018/aa

REKHA PALLI, J