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

Date of decision: 29.07.2019

+ W.P.(C) 8131/2019

SNEH SHARMA

..... Petitioner

Through

Ms. Meena Kohli and Mr. Jagdish
Kumar, Advs. with petitioner in
person

versus

UNION OF INDIA AND ANR.

..... Respondents

Through

Mr. Arun Bhardwaj, CGSC for UOI

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (O R A L)

CM APPL. 33730/2019 (Exemption)

Allowed, subject to all just exceptions.

This application is, accordingly, disposed of.

W.P.(C) 8131/2019 & CM APPLN. 33731/2019

1. Vide the present petition, the petitioner seeks direction thereby directing the respondents to consider and check the answer sheet of the petitioner and allow her to take part in further process of getting the job in question and also in alternative, direct to retain one seat vacant, so far her process of appointment is to be decided by this Court.

2. Brief facts of the case are that in the year 2017, the respondent no.2 had floated the vacancies for the job of CHSLE i.e. Combined Higher Secondary Level Examination, 2017, and the petitioner being qualified and eligible applied for the same. She was issued admit card/roll number slip bearing no. 2201214481, Ticket no. 1002932, with examination center which was held on 17.03.2018. The petitioner passed the Tier-1 examination with good marks i.e. 159 out of 200.

3. That after passing the aforesaid examination, the Tier-2 examination was held on 15.07.2018 and in this examination also, the petitioner attempted well and she was confident of passing the examination with good marks. The result was declared late i.e. on 10.05.2019, in which a remark has been made by the respondent no.2 by showing "*Rej*" i.e. form rejected with the roll number of the petitioner.

4. However, no reason had been provided in the result for rejecting the FORM of Tier-2 examination and for the same, the petitioner had to take help of information under R.T.I Act, 2005 vide her application dated 17.05.2019.

5. That respondent no.2 informed the petitioner vide forwarding letter dated 22.05.2019 that the petitioner had mentioned her roll number wrongly

and stated that the required 12 pages copy will be supplied as per RTI Act, 2005 on payment of Rs. 24/-.

6. After paying the said payment, the information was forwarded, whereby she was informed that she had wrongly mentioned her roll number as 2210214481 instead of her correct roll number 2201214481.

7. Learned counsel appearing for the petitioner submits that instead of '01' the petitioner had inadvertently mentioned '10' in the 3rd and 4th digit of her roll number. Besides this, no other deficiency or mistake was intimated to the petitioner. Learned counsel further submits that at the time of examination, the examiner/invigilator had verified the correctness of her roll number after tallying with the examinees record and they were duty bound to check the correct roll number on the answer sheet. Moreover, the said roll number was verified by the examination staff. Therefore, she may not be punished for the same.

8. Mr. Bhardwaj, learned counsel appearing for the respondent submits that petitioner would have been careful while writing her roll number because the roll number is the only identity, by which the answersheet is checked and the numbers are awarded accordingly.

9. I have heard the learned counsel for the parties at the stage of admission itself. In the present case, since the roll number was incorrect, therefore, her answersheet has not been examined. Thus, awarded 'zero number' to the petitioner as per the instructions of the SSC.

10. I am of the opinion that no counter affidavit is required in this case, therefore, I have decided to dispose of the matter *in limine*.

11. The similar case came before the Central Administrative Tribunal titled as Ms. Kritika Raj Vs. SSC (OA1413/2015) dated 07.12.2015. In that case also, the applicant had wrongly mentioned her Roll number as 221032268 instead of 2201032268. Learned Tribunal allowed the OA and directed the respondents therein to examine the answersheets and take further action, if she was otherwise eligible. Being aggrieved the respondents therein challenged the same before this Court in W.P.(C) 4519/2016 on 19.05.2016, however, the petition was dismissed. An SLP was filed against the same and was also dismissed by the Apex Court on 20.01.2017.

12. Since the issue in the present petition is same and similar, as was in *Kirti Raj* (Supra), I hereby dispose of the present petition relying upon the said case directing the respondents to examine the answersheets of the

petitioner, and if she found eligible, allow her to participate in the further process of her category, as per rules and merit.

13. The petition is allowed accordingly.

14. As informed by Mr. Bhardwaj, only the result of Tier-2 has been declared. However, final process has not been completed.

15. I hereby make it clear that if the petitioner is lagging behind in the selection process, that shall not affect in any case, even if the result of the other candidates have been declared. I further make it clear that if she qualifies Tier-2 examination, then she will be allowed to participate in Tier-3 and subsequent process, if any.

16. Pending application also stands disposed of, accordingly.

(SURESH KUMAR KAIT)
JUDGE

JULY 29, 2019

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