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

% *Date of Decision: 03rd December, 2021*

+ **W.P.(C) 13573/2021**

ALL INDIA BACKWARD CLASSES FEDERATION Petitioner

Through: **Mr. Anuj Saini, Advocate along with
Mr. Ankit Singh and Mr. Sidharth
Chauhan, Advocates.**

versus

DELHI SUBORDINATE SERVICE SELECTION BOARD

AND ANR. Respondents

Through: **Mrs. Avnish Ahlawat, Standing
Counsel, GNCTD (Services) with
Mrs. Tania Ahlawat, Mr. Nitesh
Kumar Singh and Ms. Palak
Rohmetra, Advocates.**

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGMENT

D.N. PATEL, CHIEF JUSTICE (ORAL)

CM APPL. 42837/2021 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

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1. Present Public Interest Litigation has been preferred seeking the following reliefs:-

“(i) Issue a writ of mandamus directing the Respondent No. 01 to adopt/follow the process of allowing a candidate, without any specific demand, its system generated response sheet or through/via link, to enable the candidate to view/download his complete answer sheet in PDF format with details, without any specific demand;

(ii) Further issue a writ of mandamus to disclose in each exams the values used in 'Normalisation Formula' wherever applicable, for every exam held by it;

(iii) Further a writ of mandamus directing the Respondent No. 1 to disclose the details of question(s) deleted in each examination and pro rata marks given in lieu of the deleted question(s).

(iv) Pass any other appropriate writ, order or direction as deem just and proper in the circumstances of the case.”

2. We have heard learned counsel appearing on behalf of the Petitioner and looked into the facts and circumstances of the case.

3. Learned counsel appearing on behalf of the Petitioner submits that Respondent No.1 conducts various competitive examinations for employment under the administrative control of Respondent No.3. The process of selection involve various stages including a written examination involving objective questions where candidates are required to choose one option out of the four given options. In an offline mode the candidates mark their response on an OMR sheet. One of the grievances ventilated in the present petition is that while conducting the offline/online examination, Respondent No.1 does not provide a copy of the response/answer sheets to the candidates; this leaves a candidate only guessing on what questions were rightly/wrongly answered and match the answers with the answer keys

released by Respondent No.1. Therefore, it is imperative that a direction is issued to Respondent No.1 to adopt a process of allowing a candidate, without any demand/payment, a system generated response sheet, which can be downloaded or viewed in a PDF format.

4. Another grievance ventilated by the Petitioner is that Respondent No.1 applies a 'Normalisation Formula' where examination is held in multiple shifts. After the formula is applied, final marks of a candidate may increase or decrease, depending on the level of difficulty in a question paper of a particular shift. Although the formula has been published, however, Respondent No.1 has never declared the values taken for applying the said formula and in the absence of the same, candidates are unable to decipher the reason for reduction in their marks. Thus, Respondents may be directed to disclose in each exam the values used in the Normalisation Formula, wherever applicable.

5. Having heard the learned counsel for the Petitioner and looking into the facts and circumstances of the case, we are of the view that a general direction cannot be issued to Respondent No.1 to upload the response/answer sheets of all the candidates in every exam conducted by Respondent No.1/DSSSB. In case any particular candidate is aggrieved by his/her marks/ranking in any competitive examination, it is always open to the aggrieved candidate to approach the concerned Authority for seeking the answer sheet(s), in accordance with the Rules and Instructions of the examination as well as by taking recourse to the provisions of the Right to Information Act, 2005, subject, of-course, to the restrictive conditions therein, with respect to supplying the information sought.

6. Insofar as the disclosure of the values while applying the 'Normalisation Formula', is concerned, it has not been spelt out by the Petitioner as to in which particular examination the non-disclosure of values has prejudiced any particular candidate. Without there being specific pleadings, it is not possible for this Court to appreciate how the Normalisation Formula is applied and how the non-disclosure of the values impacts the result of a candidate. The pleadings in the petition are completely vague in this regard. In fact, we find that the Petitioner has not even taken the trouble to detail even one example of any candidate who has been adversely affected by application of the 'Normalisation Formula' and how. In view of this, we are unable to issue any general direction in the present petition. It is certainly open to any aggrieved candidate to approach the Court and take recourse to legal remedies available in case the candidate is affected by the application of 'Normalisation Formula' and/or non-disclosure of the values applied in a given case or if a candidate is aggrieved by non-grant of response/answer sheets.

7. The writ petition is accordingly dismissed, with the aforesaid observations.

CHIEF JUSTICE

JYOTI SINGH, J

DECEMBER 03, 2021
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