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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: October 30, 2023

+ W.P.(C) 11061/2023

RAJ DEV RAM

..... Petitioner

Through: Mr. A. K. Trivedi, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Ranvir Singh, Sr. Panel Counsel
with Mr. Mimansak Bhardwaj, (G.P.)
Advocate for UOI.**CORAM:****HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA****V. KAMESWAR RAO, J. (ORAL)**

1. The challenge in this writ petition is to an order dated February 02, 2023 passed by Central Administrative Tribunal ('Tribunal', for short), Principal Bench, New Delhi in OA No. 1785/2018, whereby the Tribunal has dismissed the OA filed by the respondents by holding in paragraph 8 as under:

"8. Learned counsel for the respondents submitted that even if SC candidate who obtains 20% marks is entitled for interview. The DPC of Selection Committee evolved a criteria and as per the criteria if any applicant who is not eligible shall not claim. There is nothing wrong in such a policy and is the present case also this has happened. The applicant has obtained only 47.5 marks out of 150. The maximum marks on written exam in best amongst failures is 77.5 and minimum is 67.05 marks and that minimum 67. As per the Hon'ble Supreme Court judgment in D. Saroja Kumari V/s R Helen Thilakom & Ors (2017 9 SCC 428) candidate who has participated in the selection process, if he



has failed he cannot be allowed to question the same. In view of the same, nothing survive in the OA.”

2. The petitioner had filed the OA before the Tribunal with the following prayers:

“I. To issue an appropriate order, direction to the respondents to re-evaluate the answer sheets of the applicant for written examination within the stipulated period as per the answers given in model answer sheets, as required under the aforesaid rules and to award correct and proportionate marks to the applicant.

II. To issue an appropriate order, direction to the opposite parties to call the applicant for viva-voce as he has secured more than 20% marks in written examination under the provision 'Best Among Failures' for SC/ST and relaxation of 10% marks in the minimum qualifying marks also to be provided to applicant as SC/ST candidate.

III. To issue an appropriate order, direction to the opposite parties to allocate 15 marks out of 100 for seniority to the applicant under the Letter no. 88-E(SCT)1/23/1 ND, dated 08.05.89.

IV. To issue an appropriate order, direction to the respondents promote the applicant as APO [Group-B Service] against 70% quota retrospectively on from vacant SC post of the assessment period from 01.07.2015 to 30.06.2017 with all consequential benefits of such promotion.”

3. In effect, the prayers made by the petitioner in the OA are: (i) his answer-sheet be re-evaluated and (ii) as he has secured more than 20% marks in the written examination he should be called for the interview.

4. We are unable to agree with both the contentions of Mr. Trivedi, inasmuch as, on the first contention, on a specific query to him, whether the rules of examination contemplate re-evaluation of the answer-sheet, Mr. Trivedi is unable to throw any light on the same.



5. Insofar, as the second contention is concerned, we have seen the reply filed by the respondents before the Tribunal. They have stated that against one SC vacancy six candidates are required to be called for the interview. Though the petitioner had secured more than 20% marks, since only six candidates were to be called against the one vacancy, the six persons, who have secured more than 20% marks and were above the petitioner, were called for the interview.

6. If that be so, we are of the view that the Tribunal is justified in dismissing the OA.

7. We find no merit in the petition. The same is dismissed.

8. No costs.

V. KAMESWAR RAO, J.

ANOOP KUMAR MENDIRATTA, J.

OCTOBER 30, 2023/R