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W.P.No.3946 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM:

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.3946 of 2021
and W.M.P.No.4515 of 2021

Ayushi Saxena

...

Petitioner

/vs/

1. Union of India,
Rep. by its Secretary,
Department of Personnel and Training,
Lok Nayak Bhavan,
New Delhi.

2. The Chairman,
Staff Selection Commission,
Block No.12, CGO Complex,
Lodhi Road,
New Delhi – 110 003.

3. The Regional Director,
Staff Selection Commission,
Southern Region, EVK,
Sampath Building,
Chennai.

... Respondents



W.P.No.3946 of 2021

WEB COPY Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents more particularly, the third respondent to disclose and announce the results of Combined Grade Level Examination 2018 – Tier – III insofar as the petitioner is concerned, notwithstanding the purported factum of absence of signature.

For Petitioners ... Mr.B.Satish Sundar

For Respondents ... Mr.K.Ramanamoorthy
Central Government Counsel
for R1 to R3

ORDER

Heard Mr.B.Satish Sundar, the learned counsel for the petitioner and Mr.K.Ramanamoorthy, the learned Central Government Counsel, for R1 to R3.

2. The petitioner has filed this Writ Petition seeking writ of mandamus directing the third respondent to disclose and announce the results of Combined Grade Level Examination 2018 – Tier – III insofar as the petitioner is concerned, notwithstanding the purported factum of



W.P.No.3946 of 2021

absence of signature.

WEB COPY 3. The Staff Selection Commission vide notification dated 05.05.2018 notified that they will be holding Combined Grade Level Examination, 2018 for filling up 'Group-B' and 'Group-C' Posts in various Ministries / Departments / Organizations attached to the Government of India. The selection involves four tier method namely Tier I, Tier II, Tier III and Tier IV. The petitioner came successful in Tier I and Tier II examinations. So she was permitted in Tier III examination which is a descriptive paper. When the results were published, the petitioner's result was rejected by showing the reason "*Without signature*" and the petitioner came to know the said information by submitted an application through Right to Information Act.

4. Mr.B.Satish Sundar, the learned counsel for the petitioner, submitted that the petitioner had affixed her thumb impression but due to inadvertence she failed to affix her signature and for that small mistake on her part, the results cannot be withheld and the petitioner's opportunity to get appointments cannot be shut.



W.P.No.3946 of 2021

WEB COPY

5. Mr.K.Ramanamoorthy, the learned Central Government Counsel, submitted that no concession or leniency can be shown to any candidates who fail to abide the rules of recruitment; since the petitioner did not affix her signature in the first page of the question paper-cum-answer book of Tier III, it has been rejected; the evaluation will not be done on such papers in which the signature and thumb impression of the candidate were not affixed; the writ petition itself is not admissible and the petitioner ought to have filed a petition before the Central Administrative Tribunal (CAT).

6. It is seen from the records that the petitioner had cleared Tier I and Tier II examination but her Tier III examination has been rejected due to her failure to affix her signature. It is seen from the first page produced by the respondents that the petitioner had affixed her thumb impression even though she failed to affix her signature. Had the invigilator scrutinized the first page while receiving it from the candidates, the petitioner could have very well affixed her signature. Interestingly, the petitioner had affixed her left thumb impression. Had the petitioner affixed



W.P.No.3946 of 2021

her signature but omitted to put her left thumb impression then doubts can be raised about the identity of the candidate who had written the examination. Unfortunately, the petitioner had affixed her thumb impression by leaving the signature space empty. A person's signature may be forged but, the thumb impression cannot be forged.

7. No doubt the petitioner should have scrupulously abided the guidelines of the examination and followed it. The Invigilator who had signed on the first page question paper-cum-answer books was also negligent in not noticing the signature affixed by the candidate. In fact the Invigilator will insist the candidates to fill up their roll number, affix their signature and left thumb impression and all other details of the first page of question paper-cum-answer books before the candidates proceeds to answer the questions. Even when the candidates start to write the answers, the invigilators would check whether the first page of the booklet has been properly filled up. The invigilator of the petitioner's examination hall did not notice the absence of signature in the booklet and that had resulted in rejection of the petitioner's result itself.



W.P.No.3946 of 2021

WEB COPY

8. In support of his contention, the learned counsel for the petitioner relied on the judgment of the Hon'ble Supreme Court in ***Varshist Narayan Kumar Vs. The State of Bihar & Others in Civil Appeal No.1 of 2024 dated 02.01.2024*** wherein it is held that inadvertent or trivial errors which does not play any part in the selection process should not be aggravated to withhold the selection of the candidate. In the instant case also the petitioner had omitted to affix her signature though she had affixed her thumb impression. Though it is a trivial error caused by the petitioner, the invigilator's negligence also contributed the same. Hence the petitioner should not be penalised for the insignificant mistake committed by her.

9. Admittedly there is no allegation of misrepresentation or wilful suppression on the part of the petitioner. Hence the judgment of the Hon'ble Supreme Court held in the above case is applicable to the facts involved in this case also in view of the insignificance attached to omission.



W.P.No.3946 of 2021

WEB COPY

10. The candidates are asked to affix their signatures and thumb impression as an assurance of their identity. In the instant case, if the petitioner neither affixes her signature nor thumb impression, it would have been a different thing. Fortunately the petitioner had affixed her thumb impressions though she forgot to affix her signature. For such an inadvertence on the part of the petitioner, she should not have been penalised by withholding the valuation of her Tier III answer script and release of her result.

11. Taking into account of the holistic circumstances involved in the case including the negligence on the part of the invigilator as well, I feel some indulgence and lenience should be shown in the case of the petitioner. In the interest of justice and also in the background of the reasons stated above, I feel this writ petition should be allowed.

12. Accordingly, this Writ Petition is allowed by directing the third respondent to disclose and announce the results of Combined Grade Level



W.P.No.3946 of 2021

Examination 2018 – Tier – III insofar as the petitioner is concerned, notwithstanding the purported factum of absence of signature within a period of four weeks from the date of receipt of a copy of this order. No costs. Connected miscellaneous petition is closed.

27.02.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No
bkn



W.P.No.3946 of 2021

To:

WEB COPY

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Department of Personnel and Training,
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New Delhi.
2. The Chairman,
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W.P.No.3946 of 2021

R.N.MANJULA ,J.

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W.P.No.3946 of 2021

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