



2025:DHC:11636-DB



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

Date of decision: 16.12.2025

+ **W.P.(C) 14980/2025**

UNION OF INDIA & ORS.

....Petitioners

Through: **Mr. Syed Abdul Haseeb,
CGSC, Mr. Tanveer Zaki and
Mr. Amir Khan, Advs.**

versus

BABITA

.....Respondent

Through: **Mr. Sourabh Ahuja, Adv.**

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

CM APPL. 73637/2025

1. By this application, the petitioners seek permission to file the Amended Writ Petition.

2. As notice on the Writ Petition is yet to be issued to the respondent, the application is allowed. The Amended Writ Petition is taken on record.

W.P.(C) 14980/2025 & CM APPL. 61583/2025

3. This petition has been filed, challenging the Order dated 11.02.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal'), in O.A. No. 2216/2019, titled ***Babita v. Union of India, Through its***



Secretary & Ors., whereby the learned Tribunal allowed the above O.A. filed by the respondent herein with the following directions:

“10. We accordingly quash and set aside the impugned rejection result annexed at Annexure A/I to the OA rejecting the candidature of the applicant in TIER-II exam and direct the respondents to evaluate the TIER-II answer sheet of the applicant and if she qualifies the same, to allow her to participate in any other tests and upon qualifying the same, and if otherwise found fit, she be considered for appointment in pursuance to the CHSL 2017 exam within a period of two months from the date of receipt of a certified copy of this order.

There shall be no order as to costs”

4. To give a brief background of the facts out of which the present petition arises, the respondent herein had appeared for selection in the Combined Higher Secondary Level (10+2) Examination, 2017 (CHSL 2017), pursuant to the recruitment notice published by the petitioners on 18.11.2017 for the recruitment of Data Entry Operator (DEO), Lower Division Clerk (LDC)/ Junior Secretariat Assistant (JSA) and Postal Assistant (PA)/ Sorting Assistant (SA) in the various Ministries/ Department/ Organizations.

5. The respondent participated in the Tier-I (Objective Type) examination conducted on 17.03.2018, the result whereof was declared on 15.06.2018, wherein she scored 176 marks out of 200 marks. She thereafter appeared in the Tier-II (Descriptive Paper) examination held on 15.07.2018, wherein she did not correctly fill the roll number in the designated Roll No. box on the Answer Booklet. However, this mistake was noticed by the invigilator and the



respondent was asked to correct the same. From a copy of the same, which has been scanned and produced before us in the petition, it appears that the respondent tried to correct it in the box itself, and later the Roll No. was correctly written just below the box. The petitioners, however, observing that the Roll No. had not been correctly mentioned in the designated box, did not evaluate the respondent's Tier-II answer sheet and awarded her zero marks.

6. Aggrieved of the same, the respondent filed the above O.A. on 25.07.2019, before the learned Tribunal.

7. The final result of the examination was declared on 20.12.2019, in which the name of the respondent did not appear because of the above anomaly.

8. The learned Tribunal allowed the above O.A. filed by the respondent, observing therein that the error committed by the respondent was trivial and inconsequential in nature and the actual/identifying Roll No. had been correctly written on the Answer Booklet. The learned Tribunal further observed that the respondent could not be attributed any *mala fide* intention or use of any unfair means in writing her incorrect Roll No..

9. The learned counsel for the petitioners submits that the candidates had been duly warned that any mistake in filling the Roll No. would lead to automatic disqualification, inasmuch as the paper shall not be checked. In spite of such warning, the respondent made the mistake, for which the petitioners cannot now be faulted and made to rework the examination result which was announced way back on 20.12.2019 and the recruitment process closed thereafter.



10. He further submits that the examination in question consisted of a three Tier selection process, and even if the Tier-II paper of the respondent is now to be evaluated, the final result cannot be reworked as the candidate was also to appear in the Tier-III examination.

11. He submits that in these facts, the learned Tribunal should not have based its decision only on sympathy for the respondent.

12. We have considered the submissions made by the learned counsel for the petitioners, however, in the peculiar facts of the present case, we do not find any merit in the same.

13. As would be evident from the above narration of facts, the mistake committed by the respondent in writing her Roll No. was immediately noticed, either by herself or by the invigilator, and thereafter corrected on the Answer Booklet itself by even writing it separately on the same. This was not therefore a case where due to lack of proper mentioning of Roll No., the identity of the respondent could not be ascertained and because of which her paper was not checked.

14. The instructions in the examination booklet reads as under:

"i. "Question Paper-cum-Answer Books not bearing Candidate's Roll No., Signature and left-hand thumb impression, wherever required, will not be evaluated and such candidates shall be awarded 'Zero' marks'."

15. The above stipulation will have no application in the present case, as it is not the case where the Answer Booklet did not have the Roll No. of the respondent, in fact, as noted hereinabove, it had been corrected at the time of the examination itself.



16. In these peculiar facts, we are of the opinion that the petitioners acted in a very hyper-technical manner in refusing to even evaluate the Tier-II Answer Booklet of the respondent.

17. As regards the plea of delay, it is settled law that a litigant cannot be made to suffer for the time spent in Court while pursuing its remedy. The respondent had approached the learned Tribunal in time and merely because the O.A. could not be decided earlier, the respondent cannot be left remediless.

18. We are also informed that Tier-III examination was a typing/skill test, which was only qualifying in nature and therefore, was not competitive wherein the comparative merit of the candidates would have to be assessed.

19. In view of the peculiar facts of the case, we direct that the result of the Tier-II examination of the respondent shall be processed by the petitioners, and if she meets the qualifying marks, the respondent shall be subjected to a Tier-III examination as prevalent today. In case the respondent qualifies, and is found entitled to selection on the criteria that was to be applied in the recruitment process in question, the respondent shall be offered appointment by creating a supernumerary post. The said exercise shall be completed by the petitioners within a period of eight weeks from today.

20. The learned counsel for the respondent fairly submits, on instructions, that the respondent will not claim any antedated seniority or consequential benefits. The appointment shall take place from the date when it is offered to the respondent.

21. The petition, along with the pending applications, is disposed of



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in the above terms.

NAVIN CHAWLA, J

MADHU JAIN, J

DECEMBER 16, 2025/b/P/pb

Signature Not Verified

Signed By:RENUKA W.P.(C) 14980/2025
NEGI
Signing Date:20.12.2025
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