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

+ W.P.(C) 5239/2022
ROSHAN LAL MEENA

.....Petitioner

Through: Dr. L. C. Singhi, Advocate.

versus

FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA
(FSSAI) & ANR.

.....Respondents

Through: Rakesh Chaudhary, Advocate for R-1/
FSSAI.

Mr. Jivesh Kr. Tiwari, CGSC with
Ms. Nandini Aggarwal and Ms.
Samiksha, Advocate with R-2/ UOI.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **20.03.2026**

1. The Petitioner applied under the Scheduled Tribe ["ST"] category for the post of Personal Assistant ["PA"] pursuant to Advertisement No. DR-02/2019 dated 26th March, 2019, issued by the Food Safety and Standards Authority of India ["FSSAI"]. The recruitment notified one vacancy for that category. Having cleared the Computer Based Test ["CBT"] and the written examination, the Petitioner was called for the stenography skill test held on 7th April, 2021 at Naïve Assessment Centre, New Delhi.

2. The instructions issued for the stenography skill test made it clear that FSSAI would itself provide the computer and the shorthand notebook, and that candidates would not be permitted to bring their own keyboard. The Petitioner appeared in the skill test on that footing. His grievance is that, after completion of dictation and during the transcription stage in the computer lab, the system allotted to him became abnormally slow within



minutes of him commencing typing. According to him, the text typed by him would not appear on the screen in real time; the response of the system was delayed, and the machine became so sluggish that he could not type with the speed and continuity that the test demanded. He states that he complained repeatedly to the invigilating staff and requested that he be provided a functioning system. One such request, according to him, resulted in his being shifted to another computer, but that system too allegedly began behaving in the same erratic manner after a short while. The Petitioner further alleges that his complaints were brushed aside, he was told to continue, and no effective step was taken while the test was in progress. His case, therefore, is that he was denied a fair opportunity to demonstrate his actual stenography and typing proficiency, not because of lack of skill on his part, but because the equipment provided by FSSAI failed him during the examination.

3. The result of the skill test was declared on 4th June, 2021. Certain candidates were declared successful. No candidate from the ST category was selected. The Petitioner thereafter submitted a representation dated 26th July, 2021 with the Director (Recruitment) of FSSAI, seeking another opportunity to appear in the skill test and requesting that the examination-hall video recording, particularly of the computer lab, be examined. He also invoked the Right to Information Act, 2005 and sought the video footage of the computer lab. The footage was not furnished. The Petitioner then pursued the representation through the public grievance mechanism of FSSAI. His request was rejected on 1st November, 2021 on the ground that the recruitment process had already been finalised. In the meantime, on 30th September, 2021, a fresh advertisement had also been issued.



4. Dr. L. C. Singhi, counsel for the Petitioner, argues that the Petitioner was denied a fair opportunity in the skill test, as the employer, having chosen to conduct the test on computers supplied by it, was under an obligation to provide a properly functioning system. He contends that the rejection of the Petitioner's request is mechanical; that his specific grievance regarding the defective computer was not duly considered; and that the refusal to supply the video footage has deprived him of the best available evidence. He further submits that the ST vacancy has remained unfilled and contends that no prejudice would have been caused had the Petitioner been permitted to reappear in the skill test. In support of his contention that a fresh opportunity ought to be granted in the present circumstances, reliance is placed on the order of the Rajasthan High Court in *Madhav Khandelwal v. Rajasthan Staff Selection Board, Jaipur*¹.

5. Mr. Rakesh Chaudhary, counsel for the FSSAI, on the other hand, submits that no complaint was recorded during the skill test. All candidates, including the Petitioner, were asked to check the keyboard and mouse before the actual transcription began, that no grievance was raised at that stage, and that none of the observers reported any malfunction or complaint during the examination. He also relies on the response obtained from the examination-conducting agency engaged by FSSAI, which states that the systems provided were in order, that where a candidate was shifted to another system the examination timing would recommence, and that no complaint was received before the result was processed. He further submits that the Petitioner came forward only after he had failed, and that the complaint was raised for the first time nearly three months after the conduct of the test, by

¹ S.B. Civil Writ Petition No. 15280/2021, decision dated 10th January, 2022.



which time the recruitment had been completed and the unfilled vacancy had already been carried forward to the next cycle.

Analysis

6. The Petitioner's grievance is easy enough to understand. If a candidate is genuinely handicapped in a skill test because the very equipment supplied by the recruiting body malfunctions in the middle of the exercise, the matter cannot be brushed aside simply by saying that the selection has since been completed. A skill test must be fair in fact, not merely in form. At the same time, relief of that kind cannot be granted on assertion alone, especially once the examination is over and the result has been declared. Courts do not reopen recruitment exercises, or direct special re-tests for individual candidates, unless the irregularity complained of is shown through clear and dependable material. That restraint is not technical. It exists because any contrary approach would make every unsuccessful skill test vulnerable to a later factual dispute that the Court is poorly placed to reconstruct.

7. That is where the Petitioner's case runs into difficulty. There is no contemporaneous written complaint, nor any record at the examination hall or immediately thereafter showing that the Petitioner had worked on a defective system during the test. There is no record of any protest or the alleged occurrence. The Respondents maintain that no complaint of this nature was recorded at the time. Thus, the Petitioner's contentions without any contemporaneous documentation cannot then be accepted at face value.

8. The timing of the complaint is also crucial. The Petitioner's first formal representation is dated 26th July, 2021. By then, more than three months had passed since the skill test of 7th April, 2021, and the result had



already been declared on 4th June, 2021. In a complaint of this kind, that lapse of time is not incidental. The farther one moves away from that event, the more difficult it becomes to test such an allegation with conviction. A grievance first put forward after the result naturally stands on a weaker footing, unless it is supported by some independent material, which is missing here.

9. The Petitioner also placed considerable emphasis on the refusal to furnish the video footage of the computer lab. That refusal may well have deepened his sense of grievance, but it does not, by itself, establish that the test was unfairly conducted. The Court cannot direct a fresh skill test for a single candidate merely on the possibility that the footage, if produced, might have lent support to his version. Relief of that kind must rest on some demonstrable irregularity shown on the record. The footage is relied upon in the hope that it might support the Petitioner's version, rather than as corroboration of any irregularity established on record. That is too slender a basis on which to unsettle a concluded recruitment process. It would unsettle a concluded process for no reason except a dispute raised later by an unsuccessful candidate.

10. The position is reinforced by the fact that, by the time the Petitioner's grievance came to be rejected, the next recruitment had already been set in motion, and the Respondents say that the vacancy left unfilled in the earlier process had been carried forward into that cycle. Once a recruitment has run its course and the vacancy has moved into a subsequent round, the Court would require strong and tangible material before directing a separate re-test for one candidate. There is none in this case.

11. Reliance placed on *Madhav Khandelwal* does not alter the above



conclusion. That order was passed at an interim stage, where the Court, having regard to the urgency of the situation, permitted the petitioner therein to participate provisionally in the next phase of the examination. It did not involve a final adjudication on the merits of the allegation, nor did it turn on an evaluation of contemporaneous material of the kind that is absent in the present case. The relief granted was also only of provisional participation in an ongoing process, as opposed to reopening a concluded recruitment exercise for an individual candidate. It cannot, therefore, be read as laying down any general rule that whenever a candidate later complains of technical difficulty in a skill test, the recruiting body must provide another opportunity.

12. In the end, the case remains where it began: an allegation by an unsuccessful candidate that the computers provided to him did not function properly, unsupported by contemporaneous record and raised only after the result had been declared. That is not enough to justify judicial interference with a completed recruitment exercise.

13. The writ petition is, accordingly, dismissed.

SANJEEV NARULA, J

MARCH 20, 2026/hc