

Staff Selection Commission Vs. Ravinder Malik

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Court : Delhi

Decided On : Oct-29-2013

Judge : Pradeep Nandrajog

Appellant : Staff Selection Commission

Respondent : Ravinder Malik

Judgement :

\$~18 * IN THE HIGH COURT OF DELHI AT NEW DELHI % + Date of Decision: October 29, 2013 W.P.(C) 6794/2013 STAFF SELECTION COMMISSION
Petitioner Represented by: Mr.S.M.Arif, Advocate versus RAVINDER MALIK
Respondent Represented by: Mr.Saurabh Ahuja, Advocate CORAM: HON'BLE MR. JUSTICE PRADEEP NANDRAJOG HON'BLE MR. JUSTICE V. KAMESWAR RAO PRADEEP NANDRAJOG, J.

(Oral) CM No.14746/2013 Allowed; subject to just exceptions. WP(C) 6794/2013

1. The respondent was a candidate for the Post of Inspector (Central Excise), recruitment whereof was entrusted to the Staff Selection Commission. A Combined Graduate Level Examination (Tier-I) and (Tier II) was to be taken by the candidates. Tier-II examination was in two parts: Paper-1 and Paper-2.

2. The answers had to be by shading the box of the applicable answer from, out of the options available as per the OMR answer sheet.

3. Pertaining to the Tier-II examination, the respondent coded the OMR answer sheet with reference to his ticket number being 2201023 instead of 2109123.
4. Notwithstanding that, the optical reader correctly connected the answer sheet to the roll number of the respondent and hence evaluated the answer sheet and as a result thereof the respondent qualified to be called for an interview after the written examination. The respondent performed well as the interview and obtained aggregate marks much above the cut off point.
5. But employment was denied on account of the fact that the petitioner reduced respondents marks from 129 to 0 pertaining Tier-II Paper 1 examination on account of the respondent wrongly indicating the ticket number.
6. The Tribunal has held in favour of the respondent.
7. The grievance of the petitioner before us is that as held by this Court in its decision dated October 01, 2012 in W.P.(C) No.5375/2012 Roshan Lal Vs. UOI & Anr., in todays environment where lakhs of candidates compete for a few hundred posts, technology is the only way forward i.e. OMR answer sheets. Counsel urges that any error of marking preferences, blanking slots etc. on the OMR answer sheet would result in the optical reader, propelled by the software, tabulating the result.
8. The decision in question relied upon was rendered in the fact that wrong shading of the relevant figures and letters in the OMR answer sheet resulted in the candidate therein being awarded 0 marks by the computer generated result. In other words the wrong shading had materially affected the process of evaluation.
9. But, in the instant case this has not happened. The wrong recording of the ticket number has not resulted in the optical reader blanking out the answer sheets. With reference to the correctly highlighted roll number, the optical reader has correctly linked the answer sheet to not only the name but even the roll number of the respondent and thereafter has after optically reading the answer sheet marked the same.

10. Further, in the decision relied upon the error was in the test form number i.e. Part B of the answer sheet. In the instant case the error in Part A of the answer sheet. The relevance of said fact is that the instructions to the invigilator are to check that each candidate has correctly filled up the relevant information in Part A of the answer sheet. In the decision cited, the argument predicated on the duty of the invigilator to check the correct filling up of the relevant information was rejected because the obligation to check pertained to Part A and not Part B. In the instant case the wrong information filled up is in Part A and thus it was the duty of the invigilator deputed by the petitioners at the examination hall to check and hence detect any wrong by a candidate in filling up the relevant information in Part A of the answer sheet.

11. Thus, on both counts, which stand alone, and even if one was to stand, the writ petition has to be dismissed.

12. The directions issued by the Tribunal be complied with within the next six weeks.

13. We do so. The writ petition is dismissed but without any order as to costs. CM No.14745/2013 Dismissed as infructuous. (PRADEEP NANDRAJOG) JUDGE (V. KAMESWAR RAO) JUDGE OCTOBER29 2013/mamta

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