SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Mohit Sharma Vs. Staff Selection Commission Through Its Chairman, New Delhi

Mohit Sharma Vs. Staff Selection Commission Through Its Chairman, New Delhi

SooperKanoon Citation : sooperkanoon.com/939004

Court : Central Administrative Tribunal CAT Delhi

Decided On : Nov-04-2011

Judge : The Honourable Dr. a.K. Mishra, Administrative Member &Amp;amp; the Honourable Dr. Dharam Paul Sharma, Judicial Member

Appeal No. : OA-3751 of 2011

Appellant : Mohit Sharma

Respondent : Staff Selection Commission Through Its Chairman, New Delhi

Advocate for Pet/Ap. : For the Applicant: Nilansh Gaur, Advocate. For the Respondent: S.M. Arif, Advocate.

Judgement :

DR. A.K. MISHRA, MEMBER (A)

1. The applicant has challenged the order dated 10.10.2011 by which he was informed that he had wrongly coded his Roll Number on the front page of his OMR Answer Sheet and following the instructions given in the OMR Answer Sheet itself he was awarded zero mark in Paper-II.

2. It is the case of the applicant that he was a candidate of the Graduate Level Examination of 2011 in respect of Group-A and Group-B posts. He had

successfully cleared Tier-I Examination and in Tier-II Examination there were two papers: (i) Mathematics and (ii) English. He had scored good marks in Mathematics and was expecting equally good performance in the English paper. He drew our attention to his representation where it is stated that he had scored 115.75 marks in Part-I and 143.00 in Mathematics paper. He was expecting about 130 marks in the English paper which would have taken his score to 389 marks whereas the cut off marks for inviting candidates to the interview was 354.75.

3. He further submits that he had given his Roll No. and name correctly in he OMR Answer Sheet but due to some confusion the coding in respect of one digit of his Roll Number was wrongly made. But, all the other relevant information about his name, signature, Roll Number, Ticket Number, Test Form Number, Date of Birth has been correctly furnished. Therefore, there was no question of any impersonation and on that ground the impugned cancellation of his candidature. The respondent-Board should have conducted a proper scrutiny to ensure whether he was the right candidate in respect of CGL-Tier-II Examination or not.

4. Learned counsel for the respondents submits that the facts of the present case are covered by the order dated 12.08.2011 of Hon'ble High Court of Delhi in W.P. (C)-5271/2011. The order reads as follows:-

"1. Counsel for the Respondent produces a copy of the letter dated 10th August 2011 issued by the Staff Selection Commission in which it is stated that the record of the Petitioner was checked. It was found from his OMR marksheet that he had not correctly coded his own roll number with reference to the attendance sheet and that his candidature is therefore liable to be rejected.

2. In that view of the matter, the reliefs sought in the writ petition cannot be granted. The writ petition and pending application are dismissed."

5. He further submits that the OMR Answer Sheet gives clear instruction at the bottom as follows:-

"ANSWER SHEET WITH INCORRECT CODING OF ANY OF THE PARTICULARS WOULD BE AWARDED "ZERO" MARKS."

In view of such instructions, there is no scope for relaxation. Further, the instructions to the candidate filed by the applicant at page-13 say under Item No.7:-

“A machine will read the coded information in the OMR Answer-Sheet. In case the information is incomplete/different from the information given in the application form, the candidature of such candidates will be treated as cancelled.

Since it was known to the candidate that the machine will read the coded information in the OMR Answer Sheet and any wrong information given there would make the candidature of the applicant liable to be cancelled, the applicant should have taken care to fill it up correctly. In view of such categorical instructions to the examinees and the decision of the Hon’ble High Court on the subject, there is no scope for consideration of the case of the applicant and this O.A. should be dismissed.

6. Learned counsel for the applicant submits that the order dated 12.08.2011 of the Hon’ble High Court referred to the discrepancy in the coded Roll Number of that candidate with reference to what was given in the Attendance Sheet. Therefore, the facts are slightly different.

7. However, we find that the Answer Sheet itself had given clear warning to the candidate that any incorrect coding of the particulars would entail awarding of “zero mark” in that paper. General instructions also had given a clear notice that any discrepancy in the coded information in the OMR Answer Sheet and what is given by the applicant in the application form would entail cancellation of his candidature. Even in spite of such warnings, the applicant has committed a mistake in the Code for one digit of his Roll Number. Therefore, no relief can be granted to the applicant as there was no infirmity in the impugned decision taken by the respondent authority. Hence, the O.A. is dismissed. No costs.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com