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

% *Date of Judgment : 30th September, 2019*

+ W.P.(C) 10570/2019
RAKESH

..... Petitioner

Through Mr. Ashok Agarwal, Mr. Kumar
Utkarsh and Mr. Anuj Aggarwal,
Advocates

versus

DELHI SUBORDINATE SERVICES SELECTION BOARD
(DSSSB) & ANR

..... Respondents

Through Mrs. Avnish Ahlawat, Standing
Counsel with Mr. N.K. Singh,
Advocate

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

G.S. SISTANI, J. (ORAL)

CM. APPL 43749/2019 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CM. APPL 43750/2019 (additional documents)

3. The additional documents be taken on record, subject to all just exceptions.
4. The application stands disposed of.

W.P.(C) 10570/2019

5. Aggrieved by an order dated 01.08.2019 passed by the Central Administrative Tribunal (the Tribunal), the petitioner has filed the present writ petition.

6. Notice. Mrs. Ahlawat, learned counsel for the respondents accepts notice.
7. Some necessary facts, which are required to be noticed for disposal of this writ petition, are that an advertisement no.04/2017 was published by the Delhi Subordinate Services Selection Board (DSSSB). Applications were invited *inter alia* for appointment to the post of TGT (Hindi) (Male) (Post Code 140/17) in the Directorate of Education when 271 vacancies were advertised. The last date of submission of the application form was 31.01.2018. The petitioner was eligible and qualified for the post of TGT(Hindi).
8. The online application was submitted by him prior to the cut-off date. In August, 2018, he received his admit card. He appeared in the examination, but was not selected as he was short by 0.07 marks.
9. The petitioner contends that question No.17 was incorrect. An OA was filed, which was dismissed by the Tribunal by an order dated 01.08.2019 on the ground that DSSSB had recognized the possibility of making a mistake in framing questions; and therefore had created a facility of making a representation between 31.08.2018 and 03.09.2018. As per the procedure, as soon as the representations are received, they are referred to the experts; and upon the advice of the experts, necessary corrective steps are taken.
10. Mr. Agarwal, learned counsel for the petitioner submits that the Tribunal has failed to take into consideration that the answer to question No.17 was incorrect; and, accordingly the petitioner has suffered due to negative marking. Had the answer to question No.17 not been wrong,

the petitioner would have succeeded. It is also pointed-out that the petitioner was only short by 0.07 marks.

11. Mrs. Ahlawat, learned counsel for the respondents has opposed this petition. She submits that the entire process stands completed.
12. We have heard the learned counsel for the parties.
13. Admittedly, the petitioner did not avail the opportunity of making a representation between 31.08.2018 to 03.09.2018 or even thereafter but waited for more than ten months before issuing a legal notice on 22.07.2019
14. We are of the considered view that the petitioner did not take recourse to the aforesaid facility available to him, which was offered by the respondents during the period from 31.08.2018 to 03.09.2018. We are informed by Mrs. Ahlawat, learned counsel for the respondents that the DSSSB has already forwarded the result to the User Department and nothing further can be done by the DSSSB. Moreover, at this stage if the request of the petitioner is entertained, it would lead to endless litigation. In the above circumstances, we find no infirmity in the view taken by the Tribunal.
15. We accordingly find no merit in the writ petition. The petition is accordingly dismissed.

G.S. SISTANI, J

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 30, 2019

pst