

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A.No.580/2019
O.A. No.581/2019
O.A. No.582/2019
O.A. No.583/2019
O.A. No.585/2019
O.A. No.586/2019
O.A. No.591/2019
O.A. No.592/2019
O.A. No.593/2019
O.A. No.594/2019
O.A. No.595/2019
O.A. No.596/2019
O.A. No.604/2019
O.A. No.606/2019
O.A. No.607/2019
O.A. No.608/2019
O.A. No.609/2019
O.A. No.613/2019
O.A. No.619/2019
O.A. No.620/2019
O.A. No.637/2019
O.A. No.641/2019

Thursday, this the 14th day of March 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

O.A. No.580/2019

Harish Kumar, aged about 23 years
s/o Shri Surender Singh
r/o VPO Gubhana, Tehsil – Badli District
Jhajjar, Haryana – 124105
Post: Physical Education Teacher
Post Code 90/17
Group B

O.A. No.581/2019

Deepak Joon, aged about 25 years
s/o Shri Mahender Singh
r/o H.No.903/34, Vijay Nagar, Near Jhajjar Chungi
Rohtak, Haryana – 124001
Post: Physical Education Teacher
Post Code 90/17, Group B

O.A. No.582/2019

Mandeep Kumar, aged about 29years
s/o Shri Jagbir Singh
R/o RZ-E-56, New Roshan Pura,
Najafgarh, New Delhi – 110 043
Post: Physical Education Teacher
Post Code 90/17
Group B

O.A. No.583/2019

Yogesh, aged about 28 years
s/o Shri Ramdhan
r/o VPO Sanghi, Distt. & Tehsil, Rohtak
Post: Physical Education Teacher
Post Code 90/17
Group B

O.A. No.585/2019

Upasana Pal, aged about 33 years
d/o Shri Brij Pal
r/o C-1, Mansi Vihar, Sanjay Nagar,
Ghaziabad
Post: Physical Education Teacher
Post Code 90/17
Group B

O.A. No.586/2019

Naveen Kumar, aged about 34 years
s/o Shri Rajvir Singh
r/o Huda Colony, 104 P, M Dabwali Distt. Sirsa
Haryana
Post: Physical Education Teacher
Post Code 90/17
Group B

O.A. No.591/2019

Netesh
Aged about 25 years
s/o Shri Ashok Kumar
r/o B-3/509, Tara Nagar, Kakrala,
New Delhi – 110 078
Post: Physical Education Teacher
Post Code 90/17
Group B

O.A. No.592/2019

Ajay Kumar, aged about 30 years
s/o Shri Gordhan
r/o VPO Mandhana, Distt. & Tehsil,
Bhiwani – 127032
Post: Physical Education Teacher
Post Code 90/17
Group B

O.A. No.593/2019

Kapil Kumar, aged about 29 years
s/o Shri Deshpal Singh
r/o Garhi Noabad Distt. Muzaffar Nagar
State Uttar Pradesh
Post: Physical Education Teacher
Post Code 90/17
Group B

O.A. No.594/2019

Vipin Kumar, aged about 29 years
s/o Shri Malkhan Singh
r/o 177-E/27-A, Ward No.2,
Mehrauli, South Delhi – 110 030
Post: Physical Education Teacher
Post Code 90/17
Group B

O.A. No.595/2019

Vinay Kumar, aged about 30 years
s/o Shri Kampal
r/o H. No.225, PO Aun Rudrol (64)
Bhiwani, Haryana – 127310
Post: Physical Education Teacher
Post Code 90/17
Group B

O.A. No.596/2019

Sandeep Raghav, aged about 27 years
s/o Shri Rakshpal Raghav
r/o Plot No.82,83, Balaji Enclave
Govind Puram, Ghaziabad, Uttar Pradesh
Post: Physical Education Teacher
Post Code 90/17
Group B

O.A. No.604/2019

Ankit Kumar, aged about 23 years
s/o Shri Suresh Kumar
r/o Village Basirwas, PO Barwas
Tehsil Loharu, Distt. Bhiwani
Haryana - 127201
Post: Physical Education Teacher
Post Code 90/17
Group B

O.A. No.606/2019

Naveen, aged about 30 years
s/o Shri Rajpal
r/o Village Jahadpur, PO Untlodha
Tehsil District-Jhajjar, Haryana
Post: Physical Education Teacher
Post Code 90/17
Group B

O.A. No.607/2019

Neeraj Balhara, aged about 24 years
s/o Shri Dilawar Balhara
r/o H.No.119, Gram Sabha Extension
Pooth Kalan, Delhi – 110 086
Post: Physical Education Teacher
Post Code 90/17
Group B

O.A. No.608/2019

Rohit Nirwal, aged about 23 years
s/o Shri Jai Kumar
r/o H.No.155, Village Sonnath Narela,
Delhi – 110 040
Post: Physical Education Teacher
Post Code 90/17
Group B

O.A. No.609/2019

Manju Shokeen, aged about 24 years
d/o Shri Har Prakash
r/o 3A, Defence Enclave Nilothi Extension
Nangloi, New Delhi
Post: Physical Education Teacher
Post Code 90/17, Group B

O.A. No.613/2019

Dinesh, aged about 28 years
 s/o Shri Jagdish
 r/o Village Khera Bakhta, PO Garhwali
 Tehsil, Julana, District Jind, Haryana
 Post: Physical Education Teacher
 Post Code 90/17
 Group B

O.A. No.619/2019

Ajit Singh, aged about 40 years
 s/o Shri Phool Singh
 r/o Ajit Singh s/o Phool Singh, VPO Jaurasi Khalsa
 Distt. Panipat, Haryana 132101

O.A. No.620/2019

Sumit Kumar, aged about 28 years
 s/o Shri Randhir Singh
 r/o VPO Gorar Tehsil Kharkhhoda
 Distt. Sonapat, State Haryana 131408
 Post: Physical Education Teacher
 Post Code 90/17
 Group B

O.A. No.637/2019

Sandeep Kumar, aged about 34 years
 s/o Shri Om Prakash
 r/o Village Dohki, PO Kilan, Distt. Bhiwani
 Haryana 127021
 Post: Physical Education Teacher
 Post Code 90/17
 Group B

O.A. No.641/2019

Vikas Kumar, aged about 36 years
 s/o Shri Narender Singh
 r/o Vikas Kumar s/o Narender Singh
 Village Dohki, PO Kitlana
 Distt. Bhiwani, Haryana – 127309
 Post: Physical Education Teacher
 Post Code 90/17
 Group B

..Applicants

(Mr. Anuj Aggarwal, Advocate)

Versus

1. Delhi Subordinate Services Selection Board
(DSSSB)
Govt. of NCT of Delhi
FC-18, Institutional Area
Karkardooma, Delhi – 110 092
2. Directorate of Education
Director of Education
Govt. of NCT of Delhi
Old Secretariat Building
Civil Lines, Delhi – 110 054

..Respondents

(Mr. Anuj Kumar Sharma, Advocate)

O R D E R (O R A L)

Justice L. Narasimha Reddy:

Common questions of facts and law are involved in these O.As., hence they are disposed of through a common order.

2. The Government of NCT of Delhi intended to fill the posts in 65 categories of Teachers in the schools under its administration; one of such post is Physical Education Teacher, with Post Code No.90/17. Advertisement No.04/17 was issued in this behalf on 20.12.2017. The process involved conducting of a written test, with multiple choices. All the applicants herein offered their candidature to the said post. The examination was conducted on 16.09.2018. The provisional key answer was published on 20.09.2018 and objections were invited. The objections were referred to body of experts and thereafter final key was published on 09.01.2019.

3. The applicants contend that the final key published on 09.01.2019 is defective insofar as it relates to question Nos.44, 119, 182, 183 & 200. They submitted that the answer provided in the final key does not accord with the material in the prescribed text books. It is also stated that though the objection was submitted with relevant material, it was not considered at all and the final key was published with wrong answers, in respect of those questions. The objections raised by the applicant were also rejected through a communication dated 09.01.2019.

4. This O.A. is filed with a prayer to set aside the communication dated 09.01.2019, and the final key, insofar as it relates to the questions referred to above.

5. Since these matters involve appointment of about 900 Teachers in various schools, we required the learned counsel for respondents to obtain instructions, so that the O.As. can be disposed of early.

6. We heard Mr. Anuj Aggarwal, learned counsel for applicants and Mr. Anuj Kumar Sharma, learned counsel for respondents at length.

7. Normally in matters of this nature, where the final key is published after inviting objections, the Tribunal is reluctant to interfere. What prompted us to examine these matters in some

detail is that in respect of question No.119, an inadvertent spelling mistake that has crept into these answers was also not noticed by the team of experts. The question and the multiple answers read as under:-

“119. Identify which of the following terms does not describe a type of wound?

- (A) Infused
- (B) Incised
- (C) Confused
- (D) Puncture”

8. The answer (c) was supposed to be ‘contused’ and instead the word ‘confused’ was written. In the context of wound, the question of confusion does not arise. If at all anything, it should be treated as an inappropriate answer. According to final key, the correct answer is option (a), i.e., ‘infused’.

9. An attempt is made by the applicants to demonstrate that answers to some other questions, as contained in the key, are not correct, and reference is made to text books. Not being the experts in the subject, we do not intend to go into these matters. The respondents have already expressed their willingness to refer the aforesaid five questions, i.e., question Nos.44, 119, 182, 183 & 200, to a body of experts, so that the apprehension or feeling of injustice in the minds of the applicants does not persist.

10. It is brought to our notice that the appointments in question are being monitored by Hon’ble Delhi High Court in

Contempt Case No.1133/2016, and that the case is scheduled to be listed on 29.03.2019.

11. Having regard to the facts and circumstances of the cases, we dispose of these O.As. by directing that:

a) the respondents shall take immediate steps to refer the answers in the final key in respect of question Nos. 44, 119, 182, 183 & 200, for the examination conducted for selection to the post of Physical Education Teacher with Post Code No.90/17 to experts forthwith, with a specific direction that a report or opinion in this behalf shall be furnished, within one week,

b) further steps in the process of selection shall be taken soon after the opinion is obtained, as indicated above.

c) under no circumstances, the steps indicated in this order shall be treated or construed as an impediment for implementation of the directions issued by the High Court.

Order **dasti**.

There shall be no order as to costs.

(**Mohd. Jamshed**)
Member (A)

(**Justice L. Narasimha Reddy**)
Chairman

March 14, 2019
/sunil/