

\*

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

+

**W.P.(C) Nos.5689/2012 & 6776/2012**

%

**May 24, 2013**

1. **W.P.(C) No.5689/2012**

SHAILENDER PRATAP SINGH

.....Petitioner

Through: Ms. Harvinder Oberoi, Advocate.

VERSUS

UNION OF INDIA AND ANR.

..... Respondents

Through: Mr. S.M. Arif, Advocate for respondent  
No.1.

Mr. Ajit Pudussery, Advocate for  
respondent No.2.

2. **W.P.(C) No.6776 /2012**

LOKESH

.....Petitioner

Through: Mr. Satya Mitra Garg, Advocate.

VERSUS

STAFF SELECTION COMMISSION AND ANR.

..... Respondents

Through: Mr. S.M. Arif, Advocate for respondent  
No.1.

Mr. Ajit Pudussery, Advocate for  
respondent No.2.

**CORAM:**

**HON'BLE MR. JUSTICE VALMIKI J.MEHTA**

To be referred to the Reporter or not?

**VALMIKI J. MEHTA, J (ORAL)**

**W.P.(C) No.5689/2012**

1. Petitioner applied for appointment with the respondent No.2/Food Corporation of India for the post of Assistant Grade III (Technical-post code C). Petitioner appeared in tests of various subjects conducted by the respondent No.1 on behalf of respondent No.2. Dispute is with respect to the computer proficiency test wherein petitioner was marked zero.

2. Respondent No.1 has filed the counter-affidavit and with which Annexure R-1/1 is filed which shows that actually petitioner did not receive zero marks but received 90 out of 100 marks. The only mistake appears to be of a roll number allegedly filled in by the petitioner as 3E+09 instead of 3001501796. Therefore, the fact of the matter is that the petitioner has received 90 marks and not zero mark. There is no dispute as to the answersheet where 90 marks out of 100 marks has been received by the petitioner is of the petitioner because petitioner's name in hand alongwith the roll No.3001501796 appears in the answer sheet alongwith signatures of the petitioner. There is therefore no doubt that the answersheet belongs to the petitioner. The roll number of 3E+ 09 which has come out in the computer printout can be either because of a computer error or printer error or may be some other technical reason. That however will not mean that petitioner can be awarded zero marks instead of 90 marks.

3. In view of the limited controversy in this case, it is held that petitioner should in fact be marked 90 out of 100 in the Computer Proficiency Test and not zero marks. The respondent No.1 will now on the petitioner getting 90 out of 100 marks in the Computer Proficiency Test, place the petitioner in the appropriate position in the merit list. In case the petitioner falls at that place in the merit list whereby appointment has to be given to the petitioner then the respondent No.2 will give appointment to the petitioner for the post of Assistant Grade III (Technical). Necessary compliance be done by both the respondents within a period of six weeks from today.

4. Writ petition is allowed and disposed of in terms of aforesaid observations.

**W.P.(C) No.6776/2012**

5. Facts of the present case are identical except that the petitioner has received 85 marks. Accordingly, it is held that petitioner should in fact be marked 85 out of 100 in the Computer Proficiency Test and not zero. The respondent No.1 will now on the petitioner getting 85 out of 100 marks in the Computer Proficiency Test, place the petitioner in the appropriate position in the merit list. In case the petitioner falls at that place in the merit list whereby appointment has to be given to the petitioner then the respondent No.2 will give appointment to the petitioner

for the post of Assistant Grade III (Technical). Necessary compliance be done by both the respondents within a period of six weeks from today.

6. Writ petition is allowed and disposed of in terms of aforesaid observations.

**MAY 24, 2013**  
Ne

**VALMIKI J. MEHTA, J.**