

# Abhi Naitan And Ors. vs Staff Selection Commission And Anr. on 3 April, 2025

**Author: Navin Chawla**

**Bench: Navin Chawla**

\$~101

\*

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 03.04.2025

+

W.P.(C) 4210/2025

ABHI NAITAN AND ORS.

.....Petitioners

Through:

Mr.Shree Prakash Sinha,

Mr.Nawalendra Kumar,

Mr.Rishabh Kumar, Adv.

versus

STAFF SELECTION COMMISSION AND ANR.

.....Respondents

Through: Mr.Ankur Mittal, CGSC with

Mr.Aviraj Pandey, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

CM APPL. 19483/2025 (exemption) CM APPL. 19484/2025 (exemption)

1. Allowed, subject to all just exceptions.

2. The learned counsel for the petitioners submits that due to the urgency in filing of the present petition, the same was filed without the copy of the Impugned Order dated 26.03.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (for short, 'learned Tribunal') in OA no.1102/2025 titled Abhi Naitan & Ors. v. Staff Selection Commission & Anr..

3. He submits that a copy of the said Impugned Order has been filed yesterday. He has handed over a copy of the same during the course of hearing. The same be taken on record.

4. The application is disposed of.

W.P.(C) 4210/2025 & CM APPL. 19485/2025

5. This petition has been filed by the petitioners challenging the Impugned Order dated 26.03.2025 passed by the learned Tribunal, inasmuch as, it did not grant an ad interim relief to the petitioners while posting the OA for arguments on 22.04.2025.

6. The petitioners have applied for the post(s) pursuant to the advertisement dated 26.06.2024 for the Combined Graduate Level Examination, 2024. The examination was to be conducted in two tiers. The tentative answer key for the Computer based examination was to be uploaded on the website for inviting objections/representations, and on considering the representations, the final answer key was to be settled by the respondents.

7. It is the case of the petitioners that though a tentative answer key was published by the respondents on 21.01.2025, however, the final answer key was published only post the declaration of the result, on 18.03.2025. The respondents, in the final answer key stated that they had found anomalies in 9 questions in the tentative answer key for the examination conducted on 18.01.2025, and 10 questions for the examination conducted on 20.01.2025. The respondents decided to give marks to all the candidates for these questions, though in the submission of the petitioners, there was no anomaly in the tentative answer key for the majority of these questions. The petitioners contend that in this manner, the result of the examination has been vitiated.

8. The petitioners are aggrieved of the fact that though the learned Tribunal, in its Impugned Order, has opined that there is clearly a violation of the procedure as prescribed by the SSC itself, and it is not understandable as to how the answer key was finalized after the declaration of the result, at the same time, no interim protection has been granted to the petitioners.

9. The petitioners contend that some of the candidates may change their position irreversibly post the declaration of the result, thereby, causing irreparable damage not only to the petitioners but also to such candidates in case later the petitioners are to succeed in their OA.

10. Issue notice.

11. Notice is accepted by Mr. Ankur Mittal, learned counsel on behalf of the respondents.

12. He submits that after duly considering the representations received against the tentative answer key, and consulting with the subject experts, the respondents decided to award marks for 9 questions for the examination conducted on 18.01.2025, and 10 questions for the examination conducted on 20.01.2025, to all the candidates. He submits that this decision of the respondents is final and cannot be put to challenge by the petitioners by alleging certain anomalies, as contended in the OA.

13. We have considered the submissions made by the learned counsels for the parties.

14. At this stage, we do not deem it proper to hold a detailed investigation into the final answer key published by the respondents. Suffice it to say that the learned counsel for the petitioners has, prima facie, been able to establish that there are certain discrepancies in one or two questions in the final

answer key.

15. Keeping in view the submission of the learned counsel for the petitioners that certain candidates may irreversibly change their position based on the result declared, and will suffer irreparable damage in case some directions are to be passed by the learned Tribunal on hearing of the OA; and also the fact that the OA itself is listed for final hearing on 22.04.2025, we modify the Impugned Order passed by the learned Tribunal to the limited extent that any appointment made pursuant to the result that was declared on 12/13.03.2025, shall be subject to the outcome of the OA filed by the petitioners. This fact should be duly publicised by the respondents on the website of the respondent no.1.

16. The petition along with the pending applications is disposed of in the above terms.

17. We, however, make it clear that our observation on the final answer key shall not be binding on the learned Tribunal while adjudicating on the OA pending before it.

18. Dasti.

NAVIN CHAWLA, J RENU BHATNAGAR, J APRIL 3, 2025 RN/VS Click here to check corrigendum, if any