GOVERNMENT OF NCT OF DELHI
Delhi Subordinate Services Selection Board
FC-18, INSTITUTIONAL AREA, KARKARDOOMA, DELHI-110092
Website: www.dsssb.delhigovt.nic.in

No. F. 1(431)/CC-II/DSSSB/2020/77-79   Dated:- 13/01/2021

<u>O R D E R</u>

This order shall dispose of the representation dated 20/10/2020filed by Sh. Nikhil Kumar (Roll No.12331000325), a candidate for the post of Grade-II (DASS), Post Code-81/17in Services Department in compliance of the directions of Hon'ble CAT order dated 03/12/2020 in OA No.1972/2020, in the matter of Mr. Nikhil Kumar V/s Govt. of NCT of Delhi and ors.

2.   The Hon'ble CAT while disposing the Original Application No.1972/2020 has directed to the respondents to decide the pending representation dated 20/10/2020 of the applicant within a period of four weeks under advice to the applicant:-

3.   That the applicant vides his representation dated 20/10/2020 has prayed as under:-

"That I had applied against the post code 81/17, DASS, Grade-II. Written Examination was conducted by DSSSB on 08/11/2019. That the applicant duly appeared in the said examination and did very well in the examination. It is pertinent to note that the result of said examination was published on 13/10/2020 but said result brought a utter shock to the applicant as the applicant has got 1.58 in the said examination. That the applicant has done very well in the earlier exams conducted by DSSSB. It is brought to your notice that merit of the applicant can be easily assessed by comparing the marks obtained by him previous exams. That the applicant has qualified the same examination earlier. In addition to that the applicant was also selected for the post of Primary Teacher. Further the applicant was also selected for DASS, but the joining against selection has not come yet. That the applicant has each and every possible apprehension that DSSSB has published a result which is full of error and beyond acceptance. It is brought to your notice that the error caused in the result of the applicant might be due to the technical fault committed on behalf of DSSSB. That the present representation of the applicant must be considered on the ground of principle of natural justice and expected fair marking to be done by DSSSB. That the result of the applicant is liable to review/rechecked and republished as the right of the applicant to get fair marking has been infringed. In view of the above mentioned facts and circumstances, you are requested to re-evaluate/re-examine and subsequently republish the result of the applicant, in the interest of justice.

4.   As per advertisement No. 03/2017 with closing date 21/11/2017, addendum dated 09/07/2019 and corrigendum to addendum dated 20/03/2020, the total vacanciesunder Post Code 81/17 was advertised as 266 (UR-135, OBC-78, SC-34, ST-19 including EXSM-48,

Sports person-11, OH-02, HH-07, VH-07)for the post of Grade-II (DASS) in Services Department.

5.   The prescribed cut off date for determining educational qualification, age, and other eligibility conditions against the post code was closing date for filing application that was 21/11/2017.

6.   Board Conducted Tier-I written examination for recruitment in respect of this post from 16/07/2019 to 19/07/2019 and 22/07/2019 to 25/07/2019.The online Tier II examination was held on 08/11/2019.Vide Notice No. 1070 dated 12/10/2020 the marks statements for above Tier II examination were uploaded on the Board's website for information of the candidates.That as per Combined Merit List (CML) of post code 81/17, the Candidate Nikhil Kumar, OBC, SP Candidate having Roll No. 12331000325 has obtained 1.58 out of 300 marks on pro-rata basis, he has not been shortlisted for uploading his requisite documents vide notice no. 1070 dated 12/10/2020. Further, the candidate has obtained 1.50 raw marks and he was awarded 1.58 marks out of 300 marks on pro-rata basis (0.08 marks were awarded to the candidate in lieu of 14 invalid questions in Tier II exam held on 08/11/2019).

7.   That in the online question papers it is clearly instructed to the candidates that (reproduced from sample test paper available on the website of DSSSB):-

"*Please read instructions carefully*

General Instructions:-

1.   *Total duration of examination is 180 minutes.*
2.   *The clock will be set at the server. The countdown timer in the top right corner of screen will display the remaining time available for you to complete the examination. When the timer reaches zero, the examination will end by itself. You will not be required to end or submit your examination.*
3.   *The Question Palette displayed on the right side of screen will show the status of each question using one of the following symbols.*

1 (in square):-	You have not visited the question yet.
2(in red inverted hexagon):-	You have not answered the question.
3(in green hexagon):-	You have answered the question.
4(blue circle):-	You have NOT answered the question, but have marked the question for review.
5(blue circle with tick mark):-	The question(s) "Marked for Review" will not be considered for evaluation. Hence no marks will be allocated for the same.

The Marked for Review status for a question simply indicates that you would like to look at that question again.

4, 5, 6, ...
Navigation to a Question:

7.   *To answer a question, do the following:*

a. Click on the question number in the Question Palette at the right of your screen to go to that numbered question directly. Note that using this option does NOT save your answer to the current question.
b. Click on **Save & Next** to save your answer for the current question and then go to the next question.
c. Click on **Mark for Review & Next** to save your answer for the current question, mark it for review, and then go to the next question.

Answering a Question:

8. Procedure for answering a multiple choice type question:
   a. To select your answer, click on the button of one of the option.
   b. To deselect your chosen answer, click on the button of the chosen option again or click on the Clear Response button.
   c. To change your chosen answer, click on the button of another option.
   d. To save your answer, you MUST click on the Save & Next button.
   e. To mark the question for review, click on the Mark for Review & Next button.

9. To change your answer to a question that has already been answered, first select that question for answering and then follow the procedure for answering that type of question.

Navigation through sections:

10. Sections in this question paper are displayed on the top bar of the screen. The section you are currently viewing is highlighted.

11. After clicking on the submit button for a particular section, You can view the corresponding section summary and will be able to view next section on Clicking "Yes" on summary.

12. You cannot shuffle between sections anytime during the examination.

13. All the sections will be opened in sequential order and will not be allowed to attempt any section by choice.

Instruction for images:

14. To zoom the image provided in the question roll over it."

8. That as per Result provided by the EdCIL in post code 81/17, there were 2 papers, Paper I and Paper II comprising of 150 questions each amounting to total 300 questions.

9. That as per record available in the Result Processing Branch the candidates Raw Mark in Paper I was 0 and he was awarded 0 marks on pro-rata basis also. Similarly in Paper II the candidate obtained 1.50 raw marks and awarded 1.58 marks on pro-rata basis.

10. Thatthe PDF response sheet of the candidate has once again been viewed in the Board as requested by the candidate vide his representation dated 20/10/2020.

11. That Paper I of Tier II Examination comprised of 150 questions (Mental Ability-75 questions and General Awareness-75 questions). Paper II of Tier II Examination comprised of 150 questions (General English-75, Numerical Ability-50 and General Computer Knowledge-25).

12. That on examination of the Response Sheet(s) of CandidateMr. Nikhil Kumar it is seen that out of 150 questions in Paper I the candidate has answered 113 questions

butmarked for Review these 113 questions and similarly in Paper II the candidate answered 119 questions butmarked for Review these 119 questions. The candidate preferred not to mark answers as answered but he answered and marked said questions as to be reviewed by him later on. However at the end of each section(s) the candidate failed to finally make up his mind and thus did not change questions from "answered and marked for review" to "answered". The matter is reflected in table below:-

Paper I of Tier II Examination held on 08/11/2019 under post code 81/17.

Sr. No.	Topic and Section	Total No. of Questions	Answered	Not Answered	Marked for Review	Answered and Marked for Review (not considered for evaluation)
1.	Mental Ability 1	20	00	01	00	19
2.	Mental Ability 2	20	00	00	00	20
3.	Mental Ability 3	20	00	05	00	15
4.	Mental Ability 4	15	00	02	00	13
5.	General Awareness 1	20	00	05	00	15
6.	General Awareness 2	20	00	07	00	13
7.	General Awareness 3	20	00	02	00	18
8.	General Awareness 4	15	00	15	00	00
	Total	150	00	37	00	113

13.   That it is evident from above table that the candidate has not marked any question as "answered" but answered and marked 113 questions as "Answered and Marked for Review" and 37questions were not answered by the candidate in Paper I of Tier II Examination held on 08/11/2020.

14.   That it is clearly instructed to the candidates in their online examination question paper that "Answered and Marked for Review"option will not be considered for evaluation and therefore the candidate has been awarded '0' (Zero) marks in paper I of written Examination held on 08/11/2019 in post code 81/17.

Paper II of Tier II Examination held on 08/11/2019 under post code 81/17.

Sr. No.	Topic and Section	Total No. of Questions	Answered	Not Answered	Marked for review	Answered and Marked for Review (not considered for evaluation)
1.	General English 1	20	00	00	00	20
2.	General	20	00	00	00	20

	English 2					
3.	General English 3	20	00	03	00	17
4.	General English 4	15	05	03	00	07
5.	Numerical Ability 1	25	00	03	00	22
6.	Numerical Ability 2	25	00	10	00	15
7.	General Computer Knowledg e	25	00	07	00	18
	Total	150	05	26	00	119

15.   That it is evident that the candidate has answered only 05 questions in General English section 4 (Comprehension part) out of which 2 answer was correct and 2 answer was incorrect and 1 question was considered by EdCIL as invalid and therefore ignored for all candidates. There was negative marking in the Exam and 0.25 marks was deducted for each incorrect answer and for correct answer1 mark was allotted to the candidates. Therefore the candidate obtained 2 marks for correct answer and 0.50 marks were deducted for 2 incorrect answer. Further 0.08 marks awarded to the candidate on pro rata basis for invalid question. Therefore the candidate obtained 1.50 raw marks and 1.58 marks on pro-rata basis in Paper II out of 150 marks.

16.   That it is evident from above table that the candidate has not marked 119 questions as "answered" but answered and marked these 119 questions as "Answered and Marked for Review" and 26 questions were not answered by the candidate in Paper II of Tier II Examination held on 08/11/2020.

17.   That it is clearly instructed to the candidates in their online examination question paper that "Answered and Marked for Review" option will not be considered for evaluation and therefore the candidate has been awarded 1.58 (One Point Five Eight) marks in paper II of written Examination held on 08/11/2019 in post code 81/17 as explained in para16 above.

18.   That as the instructions quoted above in para 7 the candidate marked 113 questions as per the option selected by him thereafter instead of clicking the button **save and next**he clicked the button for mark for review in paper I. Since the candidate has not answered any questions by clicking save and next therefore nil questions were evaluated and also 113 questions which were marked as "Marked for Review" were not evaluated as was clearly mentioned in the general instructions to the candidates in the question paper itself.

19.   That as the instructions quoted above in para 7 the candidate marked 119 questions as per the option selected by him thereafter instead of clicking the button **save and next**he clicked the button for mark for review in paper II, whereas for five questions he clicked the button for save and next thus it is clear that candidate was well versed with the

procedure/instructions. Since he answered only 05 questions by clicking save and next therefore these 05 questions were evaluated and 119 questions which were marked as "Marked for Review" were not evaluated as was clearly mentioned in the general instructions to the candidates in the question paper itself.

20. That from above-mentioned facts, it is evident that the Candidate Sh. Nikhil Kumar (Roll No. 12331000325) not followed the instructions carefully in the online written Tier II Exam held on 08/11/2019 under post code 81/17, Grade-II (DASS) and instead of marking answers and using save and next button, used to mark answer and subsequently used "Mark for Review and Next Button" and therefore it was considered by the evaluation software as "Answered and Marked for Review" only and therefore 232 such options, opted by the candidate were not considered for evaluation by the system.

21. That the Ld. CAT has dismissed an O.A. No. 2988/2019 vide its judgment dated 9/10/2019 wherein it has been mentioned that the entire process of receiving applications, tabulation of marks and selection of candidates, is through online system and human intervention is virtually minimum.

22. In view of facts quoted above, it is evident that the right of the candidate to get fair marking has not been infringed in any manner as the entire process of examination was online and as the evaluation was done without human intervention through the computer software.

23. This issues with the approval of Competent Authority and in compliance of the directions of Hon'ble CAT.

24. Let this order be served upon Sh. Nikhil Kumar, Date of Birth:- 30/08/1982, S/o. Vijay Singh Dabas, having Roll No. 12331000325 in post code 81/17, Grade II (DASS) in Services Department, R/o C. No. 988, V.P.O. Ladpur, Delhi 110081.

Dy. Secretary, DSSSB

Sh.**NIKHIL KUMAR**
S/o Sh.VIJAY SINGH DABAS,
R/o C. No. 988, V.P.O. Ladpur,
Delhi-110081.