



Item no.76(C-4)

OA No.1043/2019



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

OA NO.1043/2019

Order reserved on 29.09.2026
Order pronounced on 09/10/2026

HON'BLE MR. MANISH GARG, MEMBER (J)
HON'BLE DR. ANAND S KHATI, MEMBER (A)

Ms. Diksha Mathur,
D/o Sh. Suraj Prakash, aged about 28 years,
R/o D-11, Street No.5,
Raja Puri, Uttam Nagar, New Delhi-110059,
Mob. NO.7827314451
Post: Special Educator (Primary) MCD
Post Code: 15/17, Group-B.

...Applicant

(By advocate: Mr. Anuj Aggarwal)

Versus

1. Delhi Subordinate Services Selection Board (DSSSB), through its Chairman, Govt. of NCT of Delhi, FC-18, Institutional Area, Karkardooma, Delhi-110092.
2. North Delhi Municipal Corporation (NDMC) Through its Commissioner, Dr. SPM Civil Centre, J.L. Nehru Marg, New Delhi-110002.
3. South Delhi Municipal Corporation (SDMC) Through its Commissioner 23rd Floor, Civic Centre, Minto Road, New Delhi-110002.
4. East Delhi Municipal Corporation (EDMC) Through its Commissioner, 419, Udyog Sadan, Patparganj Industrial Area, New Delhi-110096.

...Respondents

(By advocate: Ms. Purnima Maheshwari with Mr. D.K. Singh and Mr. R.K. Jain)

:ORDER:

HON'BLE DR ANAND S KHATI, MEMBER (A):

In the instant Original Application, the applicant seeks the following reliefs:-

"(i) Set aside the impugned Rejection Notice NO.362 dated 06.03.2019 (Annexure A-1), issued by the Delhi Subordinate Services Selection Board (DSSSB) whereby the candidature of the applicant for the post of Special Educator (Primary) MCD (Post Code 15/17) notified vide Advertisement No.02/2017 dated 07.08.2017 was rejected on the ground - "The appropriate circle should be shaded for Roll No., Question Booklet No. and Preference of Post Codes applied for etc."

(ii) Direct the respondents to consider the candidature of the applicant for appointment on the post of Special Educator (Primary) MCD (Post Code 15/17) and, thereafter, grant her appointment on the said post with all consequential benefits.

(iii) allow the present Original Application with costs in favour of applicant; and

(iv) pass any other order as this Hon'ble Tribunal may deem proper in the interest of justice and in the favor of the applicant."

2. The case of the applicant is that vide Advertisement No.02/2017 dated 07.08.2017, the Delhi Subordinate Services Selection Board (DSSSB) invited applications for various posts, including the post of Special Educator (Primary), MCD, Post Code 15/17. The essential qualifications prescribed for the said post were as under:-



"Qualification: Essential:- (i) Senior Secondary School Certificate (12th Class) or its equivalent from a recognized board /institution. (ii) Two year's Diploma Programme in special education recognized by the Rehabilitation Council of India in any Category of Disability or any other equivalent qualification approved by the RCI. (iii) Pass in Central Teacher Eligibility Test Conducted by Central Board of Secondary Education."

3. The applicant applied online for the aforesaid post through the website of DSSSB and her application was accepted. DSSSB conducted the written examination on 22.07.2018, in which the applicant appeared and was allotted Roll No.2280001110.

4. It is the case of the applicant that she secured 81.75 marks in the written examination in the UR category and was accordingly shortlisted. The applicant has placed on record, at page 47 of the Original Application, the relevant result/record reflecting the marks of 81.75 obtained by her. It is further her case that the shortlisted candidates were required to upload their e-dossiers containing the requisite qualification certificates and other documents and that she duly uploaded her e-dossier within the prescribed period. The said result/record placed on record by the applicant reads as under:-



Result	
Exam ID :	22/07/2018 (First Tier Exam) (Exam ID-228)
Post Applied :	15/17 : Special Educator (Primary)
Roll Number :	2280001110
Name :	DIKSHA MATHUR
DOB :	23/04/1990
Marks Obtained :	81.75
Remarks :	You have been Shortlisted for Post code: 15/17
	Upload eDossier as per Schedule

5. The applicant has further stated that her admit card was required to be signed by the concerned invigilator at the examination centre, but the same remained unsigned due to inadvertence on the part of the concerned invigilator. She brought the said fact to the notice of DSSSB through her representation dated 19.09.2018 addressed to the Controller of Examination.

6. According to the applicant, DSSSB declared the final result for the post on 23.02.2019. However, despite her having secured 81.75 marks, having been shortlisted and having uploaded her e-dossier, her Roll Number did not



find mention amongst the finally selected candidates. The applicant has specifically relied upon the record placed at page 47 of the Original Application to contend that her marks had in fact been generated and reflected by the examination authority.

7. The applicant thereafter submitted an online RTI application dated 25.02.2019 seeking information regarding the reason for non-inclusion of her Roll Number in the final result. In response, DSSSB informed her as follows:-

"Reply: The matter is sub-judice. No further details can be provided at this stage."

8. The applicant also addressed her grievance through e-mail to the concerned authorities. Subsequently, DSSSB issued Rejection Notice No.362 dated 06.03.2019 rejecting her candidature on the following ground:-

"The appropriate circle should be shaded for Roll No., Question Booklet No. and Preference of Post Codes applied for etc.".

9. Aggrieved by the aforesaid rejection, the applicant issued a legal notice dated 18.03.2019 through counsel to the respondents seeking redressal of her grievance. As



the grievance remained unresolved, the applicant approached this Tribunal.

10. Respondent No.1/DSSSB has contested the claim of the applicant and has submitted that she had incorrectly bubbled her Roll Number in the OMR answer sheet. According to DSSSB, the Roll Numbers are primarily read through the scanning system and, in the absence of correct bubbling, the system is unable to identify the concerned candidate and the answer sheet is not evaluated in the ordinary course.

11. It is the specific stand of DSSSB that the applicant had incorrectly bubbled the last digit of her Roll Number by marking "01" instead of "0", due to which her Roll Number could not be correctly identified by the system and her candidature was consequently rejected.

12. DSSSB has further submitted that, in cases of incorrect bubbling, it is not possible through the system to ascertain as to which candidate the marks pertain to. It has, therefore, stated that a physical exercise was undertaken for ascertaining the details of the bubbling made by the applicant. It has also been submitted that



the examination process is predominantly system-generated with minimal human intervention so as to maintain the sanctity, confidentiality and uniformity of the examination process.

13. DSSSB has relied upon the instructions contained in the Question Booklet supplied to the candidates along with the OMR answer sheet, which, inter alia, provided as under:-

"IMPORTANT INSTRUCTIONS TO CANDIDATES -.....(4) The candidate needs to circle as "00" as the first 2 digits in the first 2 columns of the Roll No., if the Roll No. is a 8 digit No.: (5) OMR Answer Sheet is enclosed in this Booklet. You must complete the details of Roll Number, Question Booklet No., etc., on the Answer Sheet and Answer Sheet No. on the space provided above Question Booklet before you actually start answering the questions, failing which your Answer Sheet will not be evaluated and you will be awarded ZERO mark...".

14. DSSSB has further submitted that the manner of bubbling the relevant particulars was explained in Column No.15 of the Question Booklet and similar instructions were available on its website. It has, therefore, been contended that the applicant was required to correctly shade the appropriate circles corresponding to her Roll Number and that the consequence of an error in this regard could not be attributed to the respondents.



15. DSSSB has relied upon the decision of this Tribunal in O.A. No.2949/2019, Neetu Yadav vs. DSSSB & Ors., decided on 11.10.2019, wherein, according to the respondents, the applicant had incorrectly bubbled the last digit of her Roll Number and the Original Application was dismissed. DSSSB has contended that the said decision covers the present case.

16. DSSSB has also sought to distinguish the judgments relied upon by the applicant in Preeti Sharma & Ors. vs. GNCTD, O.A. No.1383/2013, and Harish Patidar vs. State of Rajasthan & Ors., W.P.(C.) No.4695/2018, on the ground that those cases related to mistakes committed in the application forms, whereas the present case concerns incorrect bubbling of the Roll Number in the OMR answer sheet.

17. Respondent No.1 has denied the allegations that the impugned Rejection Notice is illegal, arbitrary, discriminatory, punitive, unreasonable or unconstitutional, or that it violates Articles 14, 16, 21 or 311 of the Constitution of India. It has accordingly prayed for dismissal of the Original Application.



18. Respondent No.2 has stated that, after the trifurcation of the erstwhile Municipal Corporation of Delhi, the concerned Education Department was entrusted with the work of direct recruitment of teachers for the three Municipal Corporations and requisitions were forwarded to DSSSB for filling up vacant posts. It has further been stated that DSSSB notified vacancies for various posts, including the post of Special Educator (Primary), in the schools of the three Municipal Corporations.

19. Respondent No.2 has taken the stand that the reliefs claimed by the applicant substantially concern the action of DSSSB, which conducted the recruitment process and issued the impugned Rejection Notice. According to Respondent No.2, its role in the matter was limited and the appropriate action in respect of the grievance raised by the applicant lay with DSSSB.

20. Respondent No.3 has stated that it had forwarded 1540 vacancies of Special Educator (Primary)/Teacher (Primary) and 4366 vacancies of Teacher (Primary) to DSSSB pursuant to the directions issued by the Hon'ble



High Court of Delhi in Social Jurist Vs. Dharmender Kumar & Ors., Contempt Petition No.1133/2016.

21. It has further been stated by Respondent No.3 that DSSSB notified the vacancies vide Advertisement dated 07.08.2017 for various posts, including Teacher (Primary) and Special Educator (Primary), in the schools of the three trifurcated Municipal Corporations. DSSSB thereafter conducted the written examination on 22.07.2018 and declared the result of the selected candidates, whose names were forwarded to the concerned authorities for further action towards appointment.

22. Respondent No.3 has stated that, as per the applicant's own averments, her candidature had already been rejected by DSSSB vide Rejection Notice No.362 dated 06.03.2019 on the ground relating to incorrect shading of the appropriate circles for the Roll Number, Question Booklet Number and preference of Post Codes, etc. According to Respondent No.3, its role in the recruitment process would arise only after recommendation of a candidate by DSSSB for



appointment and, since the applicant was not recommended for appointment, no further action was required to be taken by it.

23. We have heard the learned counsel for the parties and perused the pleadings and material available on record.

24. The controversy which arises for consideration is whether the candidature of the applicant could have been rejected subsequently on the ground of incorrect bubbling of the Roll Number in the OMR answer sheet, when the applicant asserts, and the material placed on record indicates, that her answer sheet had been processed, marks of 81.75 had been reflected and she had thereafter been shortlisted and permitted to upload her e-dossier.

25. There is no dispute that the applicant participated in the written examination conducted by DSSSB on 22.07.2018 and was allotted Roll No.2280001110. It is also not in dispute that her candidature was ultimately rejected vide Rejection Notice No.362 dated 06.03.2019 on the ground relating to incorrect bubbling of the Roll



Number, Question Booklet Number and preference of Post Codes.

26. The examination instructions requiring the candidates to correctly shade the appropriate circles in the OMR answer sheet are also not in dispute. An examination authority is undoubtedly entitled to prescribe such instructions and candidates are ordinarily required to adhere to them strictly.

27. However, the issue before us is not merely whether the applicant was required to correctly bubble her Roll Number. The material question is as to what actually happened to her OMR answer sheet in the present case.

28. The applicant has placed on record at page 47 of the Original Application the relevant record reflecting 81.75 marks. She has also asserted that she was shortlisted and thereafter permitted to upload her e-dossier, which she duly uploaded within the prescribed period. Thus, according to the material relied upon by the applicant, her candidature was not treated as one where the OMR answer sheet had remained wholly unprocessed.



29. In this regard, the judgment of the Hon'ble High Court of Delhi in ***Kusum Gupta v. Delhi Subordinate Services Selection Board & Anr.***, W.P.(C) No.1282/2025 along with CM APPL. Nos.6328/2025 and 6330/2025, assumes considerable relevance. The said judgment also concerned rejection of candidature on account of incorrect bubbling of the Roll Number in the OMR answer sheet. The Hon'ble High Court examined the consequence of such an error in the context of the actual processing of the OMR answer sheet and the subsequent stages of the selection process.

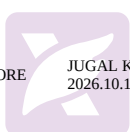
30. In ***Kusum Gupta*** (supra), the Hon'ble High Court considered the distinction between a case where incorrect bubbling results in the OMR answer sheet not being evaluated and a case where, despite such alleged error, the answer sheet is in fact evaluated, marks are generated and reflected, and the candidate is permitted to proceed further in the selection process. The Hon'ble High Court held that where the OMR answer sheet has actually been evaluated and the candidate has been permitted to proceed further on the basis of the result so generated, subsequent rejection of the candidature solely



on the ground of incorrect bubbling cannot be sustained mechanically. The aforesaid principle is directly relevant to the present case, where the applicant has placed on record the result reflecting 81.75 marks and her shortlisting for Post Code 15/17, followed by permission to upload her e-dossier.

31. Applying the aforesaid principle to the facts of the present case, we find that the applicant has placed on record material showing that she secured 81.75 marks. The respondents have not placed sufficient material before us to establish that the said marks do not relate to the applicant or that the answer sheet corresponding to the applicant was never evaluated. The subsequent processing of her candidature and permitting her to upload the e-dossier also assumes significance in this regard.

32. We are conscious that the Tribunal should not ordinarily interfere with the procedure prescribed by an examination authority or dilute instructions which are uniformly applicable to all candidates. However, the present case is not one where the applicant seeks





relaxation of the examination procedure in a situation where her answer sheet was never evaluated. The grievance arises from the subsequent rejection of her candidature despite the material indicating that her marks had been generated and her candidature had proceeded to the stage of e-dossier.

33. The reliance placed by DSSSB upon **Neetu Yadav v. DSSSB & Ors.**, O.A. No.2949/2019, decided on 11.10.2019, does not alter the position in the facts of the present case, particularly in view of the subsequent pronouncement of the Hon'ble High Court in **Kusum Gupta** (supra), which recognizes the distinction between an OMR answer sheet which is not evaluated and one which is actually evaluated and results in declaration of marks.

34. The judgments relied upon by the applicant in **Preeti Sharma & Ors. vs. GNCTD and Harish Patidar vs. State of Rajasthan & Ors.** need not be examined in detail, as the controversy before us is adequately addressed by the aforesaid subsequent judgment of the Hon'ble High Court in **Kusum Gupta** (supra).



35. We may also clarify that the applicant does not acquire an indefeasible right to appointment merely on account of securing 81.75 marks. Her candidature remains subject to her eligibility, applicable merit position, availability of vacancies and all other conditions governing the selection. The limited issue before us is whether her candidature could have been rejected solely on the ground of incorrect bubbling after her answer sheet had been processed and marks had been reflected.

36. In view of the aforesaid discussion, we are of the considered view that the impugned Rejection Notice No.362 dated 06.03.2019, insofar as it rejects the candidature of the applicant solely on the ground of incorrect bubbling of the Roll Number, cannot be sustained in the facts and circumstances of the present case.

37. Consequently, the Original Application is allowed. The impugned Rejection Notice No.362 dated 06.03.2019, insofar as it relates to the applicant, is quashed and set aside.



38. Respondent No.1/DSSSB is directed to process the candidature of the applicant for the post of Special Educator (Primary), MCD, Post Code 15/17, on the basis of the marks already reflected in the record and in accordance with the applicable recruitment rules and the prevailing merit position. If the applicant is otherwise eligible and her marks of 81.75 are sufficient for appointment in accordance with the applicable selection criteria, the respondents shall extend to her the consequential benefit of appointment in accordance with law.

39. Needless to observe, the applicant shall not be entitled to actual salary and allowances for the period during which she was not in service. Her claim for seniority and other consequential benefits, if any, shall be considered in accordance with the applicable rules and the terms of appointment.

40. The aforesaid exercise shall be completed by the respondents within a period of eight weeks from the date of receipt of a copy of this order.

Item no.76(C-4)

OA No.1043/2019



41. Pending MAs, if any, shall stand disposed of. There shall be no order as to costs.

(Dr. Anand S Khati)
Member (A)

(Manish Garg)
Member (J)

/jk/

Central Administrative Tribunal

