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

+ W.P.(C) 7529/2022

MANISH MAL AND ORS.

..... Petitioners

Through: Mr. Gaurav Gupta, Mr. Samyak Gangwal, Advocates.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Trilok Singh Bisht, Advocate for R-1, GP.Mr. Tanveer Ahmed Ansari, Sr. Panel Counsel for R-1&2.Ms. Tanya Agarwal, Mr. Kamlesh Kr. Mishra, Mr. Durga Das Vashisth, Mr. Bibhuti Bhushan Mishra, Ms. Shivalika and Mr. Subham Chouhan for R-3 to 33.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

% **13.05.2022**

The hearing has been conducted through hybrid mode (physical and virtual hearing).

CAV 126/2022

1. Since the learned counsel for the caveator/respondents puts in appearance, the caveat stands discharged.

CM APPL. 23021/2022 (exemption)

2. Allowed, subject to all just exceptions.
3. The application stands disposed-off.



W.P.(C) 7529/2022 & CM APPL. 23020/2022

4. The petitioners impugn the order of the learned Central Administrative Tribunal in O. A. No. 925/2021 dated 07.04.2022, in so far their challenge to the manner in which the formula of normalisation of marks has applied, has been rejected.
5. The learned Tribunal was of the view that the examination was conducted by the respondents in many shifts and the procedure for allocation of examination shifts was random; the formula of normalisation was applied uniformly, therefore, there was nothing on the record to show that there was any arbitrariness or illegality in the effect of the normalisation formula.
6. The learned counsel for the petitioners submits that application of the formula has resulted in subtraction of roughly 242 marks and a corresponding addition of 114 marks for the successful candidates. He further submits that the said formula virtually wipes-off the maximum marks which could have been scored in the two examinations. Therefore, the result is iniquitous and disadvantageous.
7. He further submits that the formula itself needs to be tested on fairness. It was clearly put to the learned counsel for the Commission as to whether the fairness application of the normalisation formula was ever tested by an expert body. There is no clear answer coming forth.
8. *Prima facie*, the court is of the view that the effect of the formula is such that it would wipe out the marks scored by a candidate in two examinations. The matter requires consideration.



9. Issue notice.
10. The learned counsel named above accept notice on behalf of their respective respondents.
11. Reply be filed. Rejoinder thereto, if any, be filed within four weeks.
12. Against about 8000 thousand vacancies, 7700 candidates have been selected and are likely to be soon offered letters of appointment for joining duties.
13. To secure the interests of the petitioner, let the 21 vacancies be kept alive by the respondent. The other successful candidates may join their duties as per Rules.
14. The court is informed that the Staff Selection Commission conducts such examinations annually. About a lakh candidates apply. It could be examined if the examinations could be held on the same day at the same time so as to obviate this need to resorting to normalisation of marks. The anxiety of the candidates too would be obviated. Exams of larger numbers are conducted by UPSC on an all India basis, on the same day and at the same time.
15. Let SSC consider the same and file an affidavit.
16. List on 18.08.2022.

NAJMI WAZIRI, J

SWARANA KANTA SHARMA, J

MAY 13, 2022/sk