

(2019) 01 RAJ CK 0366
Rajasthan High Court (Jaipur Bench)
Case No: Civil Writs No. 5419 Of 2017

Parminder		APPELLANT
	Vs	
Union Of India And Ors		RESPONDENT

Date of Decision: Jan. 30, 2019

Acts Referred:

- Constitution Of India, 1950 - Article 226

Hon'ble Judges: Alok Sharma, J

Bench: Single Bench

Advocate: Rajpal Choudhary, B.S. Chhaba

Final Decision: Dismissed

Judgement

1. The case of the petitioner is that pursuant to the advertisement dated 21.3.2016 issued by the respondents for recruitment to the post of Head

Constable (Ministerial) in CRPF, he applied for the post in issue. He wrote the examination and being qualified therein was called and participated in

the skill test (English Typing on computer) conducted on 1.12.2016. The respondents then issued call letters to the successful candidates for medical

test, but the petitioner was not called. On information sought under RTI Act, he was informed vide letter dated 27.2.2017 that a total of 504 words in

10 minutes were typed by him, out of which 43 were incorrectly typed. As per the prescribed parameters only 5% mistakes whereof (25.2) were

allowed. Hence pertaining to his skill test 17.8 mistakes remained in excess over the prescribed limit. In respect thereof also as prescribed, 10 words

for each mistake ($17.8 \times 10 = 178$) were subtracted/deducted from the total words typed by the petitioner for the purpose of assessing his actual

typing speed. In this view of the matter, petitioner's actual typing speed was assessed at 326 words (504-178) for 10 minutes i.e. 32.6 words per minute, which was below the requisite typing speed of 40 words per minute for passing the skill test (English typing on computer). He was thus not called for medical test. Hence, the writ petition.

2. Mr. Rajpal Choudhary, counsel for the petitioner referred to the guidelines issued by DIG (Rectt.) Dte. Genl. CRPF, New Delhi vide letter dated

23.6.2016 as also para 8. 9 of Chapter-VIII of Recruitment of Ministerial Staff of Recruitment Manual of CRPF, 1975 (hereafter 'the Manual of

1975') to contend that the additional (repetitive) words typed by the petitioner were to be together treated as one mistake and each additional word

typed in the skill test was to be individually treated as a mistake or the typing speed so assessed.

3. A reply of denial to the petition has been filed by the respondents.

4. Mr. B.S. Chhaba, Assistant Solicitor General for UOI submitted that petitioner's typing speed was assessed as 32.6 words per minute as per the

procedure prescribed. That was below the requisite limit of 40 words per minute for passing the skill test (English Typing on computer). Mr. B.S.

Chhaba further submitted that the typed answer sheet of the petitioner was evaluated through a computer software as well as manually. He drew the

attention of the Court to condition No. 14(vii) of the advertisement dated 23.6.2016 which provided that each error (including spelling mistake,

omission of words/punctuation mark, repeated word, word differing from the test/actual passage, word not in the passage, mixing up of words, etc.)

would be counted as a mistake. He further submitted that as per the guidelines dated 23.6.2016 issued by the DIG (Rectt) Dte. Genl., CRPF, New

Delhi total number of words typed out were calculated on the basis of five strokes for each word. Further, if any word including punctuation was

missing, it was treated as a mistake. Similarly, if additional words were typed out or wrong spellings were typed out or the typed words differed from

the test, each was treated as a mistake; and if no space was given between any two words, it was also similarly treated as a mistake. Likewise, if a

single word was split into two words (e.g. Together as Toget her), it was treated as a mistake. Mr. B.S. Chhaba further submitted that as per Manual

of 1975 if a word was typed by the candidate repeatedly in the course of the skill test it was only then treated as one mistake. However, in the instant case, of the additional words typed by the petitioner, none of the word was repeated (e.g. And, And, And) but the additional words repeated constituted repeating sentence. Hence each word repeated was counted as a mistake (one mistake for each wrong word). On that basis, the petitioner's typing speed on the computer was assessed and it being less than the requisite speed, he was declared not pass and hence not called for medical test.

5. Heard. Considered.

6. It is an admitted case that the petitioner appeared in skill test with English typing on computer. He repeated a sentence constituted of different words in the course of the skill test. None of the words repeated were the same. As per the guidelines of assessment the petitioner's mistakes were rightly treated as multiple. A whole sentence constituted of different words was retyped by the petitioner. Each word retyped was separately taken a separate mistake. Only if the same word were to be repeatedly together typed, it was as per the guidelines for the assessment at the skill test to be counted as one mistake. The petitioner's typing speed was accordingly assessed. Beyond 5% of the words typed, for which tolerance/deviation was permitted without any penalty in assessing typing speed, the candidates were to loss 10 marks thereafter for each mistake for whatever reason. So computed the petitioner's typing speed was assessed at 32.6 words per minute, which was below the required typing speed of 40 words per minute for passing the skill test (English typing on computer). The petitioner accordingly was found not qualified for the computer test.

7. In the circumstances nothing illegal or arbitrary can be attributed to the petitioner's failing the skill test and not being called for the medical examination or being further processed for appointment for the post of Constable (Ministerial CRPF). Assessment at a skill test is a matter for experts. And where they have assessed a candidate explaining, as above, the methodology therefor, no interference under Article 226 of the Constitution of India is warranted. Further it is relevant to note that no mala fide are made out against the examination authority. Nor has the petitioner

been able to establish a discriminatory application of the selection methodology for assessment of typing speed vis a vis himself.

8. Resultantly, I find no force in this petition. It is accordingly dismissed.