

Central Administrative Tribunal
Principal Bench, New Delhi

D.A.No. 2193/2002

Friday, this the 6th day of September, 2002

Hon'ble Mrs. Lakshmi Swaminathan, Vice Chairman(J)
Hon'ble Mr. S.A.T. Rizvi, Member (A)

Vaibhav Bajaj,
s/o Shri Shrenik Bajaj, aged 27 years,
r/o H.No.239, Magunj Ward, Damoh
Madhya Pradesh
Currently residing at H.No.4141, Arya Pura,
Purani Subzi Mandi, Delhi.

(By Advocate: Shri Sachin Chauchan)

...Applicant

Versus

1. Secretary,
Department of Personal & Training
North Block, New Delhi.
2. UPSC through Secretary, New Delhi.
3. Secretary,
Ministry of Home Affairs
North Block, New Delhi.

...Respondents

O R D E R (ORAL)

Shri S.A.T. Rizvi:

Heard.

2. The applicant appeared at the Civil Services (Main) Examination, 2001 and has come out successfully, having been placed at No. 198 in order of merit in the list of successful candidates. He is likely to be appointed to one of the services. The learned counsel appearing on behalf of the applicant submits that if the applicant's answer book in respect of Pali Literature had been properly evaluated, he would have been placed at ^{or} much higher level in the order of merit. ~~Thus~~ Accordingly, the applicant filed a representation before the UPSC for verification of marks. After consideration, the UPSC

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have sent a reply to the applicant on 17.6.2002 (A-1) which indicates as follows :-

- "(i) No part of any answer has been left unvalued.
- (ii) There is no totaling error.
- (iii) All answerbooks used are intact.
- (iv) There is no error of any other kind."

Based on the aforesaid grounds, the UPSC have rejected the applicant's representation.

3. The learned counsel appearing on behalf of the applicant submits that in Pali Literature (Code-I), the applicant has, in the aforesaid examination, scored 28% marks, whereas ~~in the~~ ³ ~~earlier~~ examinations conducted by the UPSC in 1998 and 1999 respectively, he had scored 55.33% percentage marks on each occasion. He further submits that in Code-II paper relating to Pali language/Literature, he has scored 56.00% marks in the examination held in 2001, whereas in the aforesaid earlier examinations, he had scored 54.67% & 55.33% percentage marks respectively. Thus, he improved his performance in Code-II paper. In view of this, according to him, it cannot be accepted that the applicant would have come out with lesser marks in Code-I paper ^{as} compared to his performance in the same paper in the years 1998 & 1999.

4. We have considered the submissions made by the learned counsel and find that there is no merit in his arguments. One and the same person appearing at an examination conducted by the same body in respect of the same subject can always perform differently on different occasions. Just because a candidate happens to score lesser marks on a subsequent occasion, it cannot be

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successfully argued that there has been malafide or discrimination on the part of the examining authority. For the same reason, no ground of illegality can be advanced either. The answer books are evaluated by experts in the respective fields who discharge their duties and responsibilities without any bias. The applicant has also not pleaded ~~any~~ bias as one of the grounds in the present OA. The representation filed by the applicant has been disposed of by issuing a reasoned and a detailed letter. We have perused the same and find no fault with it. No rule has been shown to us by the learned counsel, the contravention of which could have been made a ground in the present case.

5. For all these reasons, we do not find any good ground in the present OA which is dismissed in limine.


(S.A.T. Rizvi)

M (A)

/sunil/


(Mrs. Lakshmi Swaminathan)

VC (J)