

Central Administrative Tribunal
Principal Bench

O.A. No. 1793 of 1999

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New Delhi, dated this the 8th September, 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. KULDIP SINGH, MEMBER (J)

Shri Jai Govind Jangid,
Working as MCF at Agra Fort,
under Senior Section Engineer, Telecom,
Idgah,
Agra.

.. Applicant

(By Advocate: Shri K.K. Patel)

Versus

1. Union of India through
the General Manager, Western Railway,
Church Gate, Mumbai.
2. Divl. Railway Manager,
Western Railway,
Kota Division, Kota.
3. Sr. Divl. Signal & Telecom. Engineer,
Western Railway, Kota Division, Kota.
4. Shri K.N. Gupta,
C/o Sr. Section Engineer, Microwave,
Bharatpur.
5. Shri S.K. Gaur,
C/o Sr. Section Engineer, Microwave,
Bharatpur.
6. Shri V.K. Sharma,
C/o Telecommunication Inspector,
(Junior Engineer II)
Tughlakabad,
New Delhi.

.. Respondents

(By Advocate: Mrs. Meera Chhibbr)

ORDER (Oral)

MR. S.R. ADIGE, VC (A)

Applicant impugns the selection held on 9.1.99 and seeks direction to respondents to allow him the grace mark on each question paper which was issued faultily. He seeks a direction to consider him for promotion to the post of Junior Engineer Grade II from the date his juniors were promoted with

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consequential benefits.

3. We have heard applicant's counsel Shri K.K.Patel and respondents' counsel Mrs. Chhibber.

4. The main ground taken by Shri Patel is that Question 6 B of Paper 1 of the Written Examination for J.E. Grade II held by Respondents on 9.1.99 should have been a compulsory question, and should have carried at least 10 marks. He contends that had it been made clear in the Examination Paper itself that this question of Raj Bhasha was a compulsory question which carried 10 marks, as was made clear in the earlier examinations held, applicant would have attempted the aforesaid question and might have cleared the examination.

5. Question 6 C of the aforesaid Paper 1 reads as follows:

**"Rajbhasha ke protsahn sambandhi puraskar
yojnaon ko jankari dijiye"**

6. In this connection Shri Patel has contended that according to Rule 36(3) of the Hand Book of Selection Procedure for Non-Gazetted Staff, 1991 the question on Official Language Policy and Language Use is a compulsory question and should mandatorily carry 10% of the marks of the entire question paper.

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7. From a reading of the aforesaid paragraph it cannot be said that the question on official language policy and language use is either compulsory or that under all circumstances it has to carry 10% of the marks of the question paper. What does it mean is that the question on language policy and language use should be limited to 10% of the marks.

8. Mrs. Chhibber states that in the the impugned examination paper the marks allotted to question 6 C on official language policy and language use were seven (7) marks and hence it cannot be said that ~~there~~ has been any violation of the aforesaid instructions.

9. Even if the marks allotted to the question were not seven (7) but ten (10), ^{and} applicant had attempted the aforesaid question and got 10 out of 10 marks, his total would still have been only 119 out of 200 marks in both papers while the minimum qualifying marks were 120 out of 200. In other words even if applicant had attempted the aforesaid question and got full marks for the same he would still ^{have} fallen short of the minimum marks required for selection.

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10. In the result we find ourselves unable to grant the relief prayed for by the applicant. The O.A. is dismissed. No costs.


(Kuldip Singh)
Member (J)


(S.R. Adige)
Vice Chairman (A)

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