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Central Administrative Tribunal
Principal Bench, New Delhi.

OA No. 1560/97

New Delhi, this the ~~20th~~ day of May, 1998

Hon'ble Shri T.N. Bhat, Member (J)
Hon'ble Shri S.P. Biswas, Member (A)

Tushar Gupta s/o S.C. Gupta,
R-13/3, Raj Nagar,
Ghaziabad (UP).

....Applicant

(By Advocate: Shri G.D. Gupta)

Vs.

Union of India through

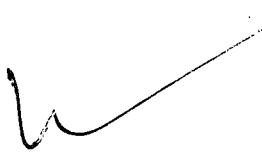
1. The Secretary,
Ministry of Personnel, Public Grievances
and Pensions, (Deptt. of Personnel & Training),
New Delhi.
2. Union Public Service Commission through
Secretary,
Dholpur House,
Shahjahan Road, New Delhi. ...Respondents

(By Advocate : Shri R.V. Sinha)

O R D E R

delivered by Hon'ble Shri T.N. Bhat, Member (J)-

The applicant, who, we are informed, has had a brilliant academic record throughout, has come to the Tribunal seeking directions to the respondents, more particularly, respondent no.2 (UPSC), to re-check and verify the correctness of the marks awarded to the applicant in the subject of Mathematics Paper-I in the Civil Services (Main) Examination, 1996 and also to produce in this Tribunal the record relating to the aforesaid paper.


2. The applicant appeared in the examination but he did not qualify, as he was found to have secured only 77 marks out of 300 in Paper-I of Mathematics, the examination.
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in that paper having been held on 20.11.1996. According to the applicant some mistake seems to have occurred somewhere by way of: "(a) non-examining of certain questions, or (b) wrong totalling of marks in the answer sheet, or (c) detaching of subsidiary answer books from the main answer books, or (d) change of answer book of the applicant with some other answer book in the process of coding or otherwise, or (e) wrong tabulation of marks from the answer book to the marks list of the paper, or (f) wrong tabulation of marks from the marks list to the marks sheet or merit result, or (g) wrong feeding of marks in the computer, i.e. may be erroneously 077 were fed instead of 177 or like error".

3. It is averred by the applicant that according to his assessment he should have secured around 185 marks in this paper. He accordingly submitted a representation on 25th/26th June, 1997 but received no reply.

4. The applicant is not praying for re-assessment or re-evaluation of the answers. He only wants the U.P.S.C. to ensure that no such mistake as pointed out above had occurred.

5. On a notice being issued on the O.A., the respondents appeared. However, by the order passed by the Tribunal on 17.7.1997 it was stated that the only question involved in the case was that the applicant in the 1996 examination secured extremely low marks which according to him was unusual as per his own past records. The Tribunal accordingly perused the records furnished by the respondents without insisting upon filing of counter by the respondents.




Orders on the O.A. were then reserved. However, at the request of the respondents' counsel the comments received by him from the respondents were placed on the record. The judgement could not be pronounced, as one of the members constituting the Bench demitted office. The matter was therefore directed to be re-heard.

6. We have, accordingly, re-heard the matter and have also perused the relevant records.

7. The stand taken by the respondents is that the rules governing the Civil Services Examination do not provide for re-checking or re-evaluation and, further, that even so at the request of the applicant re-checking was done and it was verified that all answers had been valued, that the answer book pertained to the candidate, the totals were arrived at correctly and these were transferred to the marks-sheet in the computer correctly and there was no coding or decoding error. The result of the verification was communicated to the applicant by the letter dated 4.9.1997.

8. We have also carefully perused the answer book, which consists of the main answer book and three supplementary answer books. We find that all answers have been valued and the totals have been correctly arrived at. We also find that the total marks are the same which are reflected in the final marks list and, therefore, we are convinced that no mistake in coding or decoding had occurred nor is this a case where wrong figures might have been fed into the computer.




9. We agree with the respondents' contention that in competitive examinations self assessment often tends to be unrealistic, as the candidate cannot be expected to evaluate his own performance objectively.

10. As regards the question as to whether the answers have been evaluated correctly and the marks given are adequate, we may say that this does not come within the domain of judicial review in such matters. It is only when some element of arbitrariness is established that the Court or Tribunal may interfere. As held by the Apex Court in its judgement in Maharashtra Board of Secondary and Higher Education v. M. H. B. S. and Ors., reported as AIR 1981 Supra at pt 1513, the results of public examinations, when published should have some finality attached to them and if candidates are allowed to participate in the process of evaluation of their performance or to verify the correctness of evaluation made by the examiners it would, besides leading to utter confusion, result in gross and indefinite uncertainty, particularly in regard to the relative ranking etc.

11. In the instant case, as already indicated, the answer book of the applicant has already been re-checked but no such mistake as apprehended by the applicant has been found out. Our perusal of the answer book also does reveal the occurrence of any mistake.

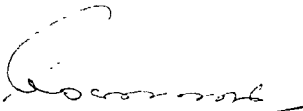
12. Viewed as such, we find no merit in this O.A.



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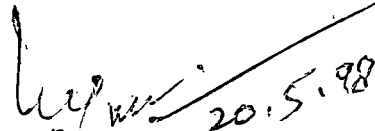
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The O.A. is accordingly dismissed. No costs. M.A.
1598/97 does not survive and is disposed of accordingly.



(S.P. BISWAS)
Member (A)

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(T.N. BHAT)
Member (J)