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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O. A. NO. 1151/94

New Delhi this the 17th day of November, 1994

HON'BLE SHRI JUSTICE S. C. MATHUR, CHAIRMAN
HON'BLE SHRI P. T. THIRUVENGADAM, MEMBER (A)

Sanjay Kumar S/O Raghuvir Prasad,
R/O C/O Agrawal Paint Mart,
Tundla, Faizabad-283204.

... Applicant

By Advocate Shri A. K. Behra

Versus

1. Secretary,
Union Public Service Commission,
Dholpur House,
Shahjahan Road,
New Delhi.

2. Secretary,
Ministry of Personnel, Public
Grievances and Pensions,
North Block,
New Delhi.

... Respondents

By Advocate Shri M. M. Sudan

ORDER (ORAL)

Shri Justice S. C. Mathur, Chairman :-

The applicant was a candidate at the Civil Services (Main) Examination, 1992. He failed to qualify. He approached the Tribunal seeking a direction to the Union Public Service Commission to place the record before the Tribunal and to disclose the qualifying marks fixed by the Commission in the compulsory English paper.

2. It is not disputed that there is a compulsory English paper which every candidate has to pass according to the standard fixed by the Commission. The case of the respondent Commission is that the applicant failed to come-up to the standard fixed

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by the Commission. The applicant's plea in the application is that he had appeared at the examination on three earlier occasions, i.e., 1989, 1990 and 1991, and on all the three occasions he had cleared in the compulsory English paper and, therefore, there is no occasion for him not to clear the said paper in 1992 examination. It is on this surmise and conjecture that the applicant filed the present O.A.

3. On 8.11.1994, we directed the learned counsel for the Commission to produce before us the record containing the standard or norms fixed by the Commission in respect of the compulsory English paper and also the answer book of the applicant in respect of the said subject. In pursuance of this direction, today the relevant record was produced before us. From a perusal of the record, we find that the applicant failed to come to the standard fixed by the Commission.

4. It may be that the applicant was able to qualify in the English compulsory paper at the earlier examinations, but that does not necessarily mean that he must pass in the subsequent examinations also. Each examination has to be evaluated on the basis of the performance at that examination. The performance of a candidate at a particular examination cannot be judged with reference to his performance at an earlier examination.

5. On a perusal of the record, we are satisfied that no illegality has been committed by the Commission.

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6. In view of the above, the application is dismissed with costs to the Union Public Service Commission which are assessed at Rs.500/-.

P. T. Thiruvengadam

(P. T. Thiruvengadam)
Member (A)

[Signature]

(S. C. Mathur)
Chairman

/as/