

IN THE CENTRL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

12

Regn. No. O.A. No. 2644 of 1991 Date of decision 10.8.92..

Ravindra Kumar

Applicant

Applicant in person

Counsel for the applicant

vs.

U.P.S.C.

Respondents

Shri Jog Singh

Counsel for the respondents

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The Hon'ble Mr. Justice Ram Pal Singh, Vice-Chairman(J).

The Hon'ble Mr. LP. Gupta, Member (A).

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether it needs to be circulated to other Benches of the Tribunal?

(Judgment of the Bench delivered by Hon'ble Shri Justice Ram Pal Singh, Vice-Chairman (J).)

J U D G M E N T

The applicant has filed this O.A. under Section 19 of the Administrative Tribunals Act of 1985 with the prayer that respondents be directed to produce his answer books to ensure that the answer books have not been interchanged with those of some other candidate; that the answer books have been assessed properly and that there is no mistake in the total of the marks awarded to the applicant. The applicant is a permanent Assistant of the Central Secretariat Service Cadre in the Ministry of Civil Aviation and Tourism (Deptt. of Civil Aviation) and was working on deputation basis in the post of Research Assistant in the same Ministry. He appeared in the examination of SOs/Stenographers (Grade 'B'/Grade I) Limited Departmental Competitive Examination 1990 which was conducted by the Respondents, Union Public Service Commission, in December

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1990. The applicant was given the Roll No. 000979 with an admission certificate. This examination consists of Part I having written examination in 5 prescribed subjects of 100 marks each; a qualifying shorthand test in English or Hindi for the candidates for Stenographers Grade 'B'/Grade I and Part II having evaluation of the records of the past service of the candidates who are declared qualified in written examination with maximum of 100 marks.

2. The applicant was not required to appear in shorthand test because it is meant only for candidates who belong to the Stenographers Grade. According to the applicant, the result of the written part of the examination was declared in July-August 1991 and the applicant was declared unsuccessful. On 13.9.91, the applicant received his marks sheet sent by the respondents. According to him, he was surprised to know that because he was declared unsuccessful in shorthand test for which he had not appeared in the examination. He was also surprised to see that the marks sheet was dated 22.10.90 while the examination itself was held on 28.12.90. His further surprise was that he was awarded only 21 marks out of 100 in the paper of Procedure and Practice in the Government of India offices and 35 marks out of 100 in the paper of General Financial and Service Rules. According to him, the award of the marks was below his expectations. Hence, he filed a representation (Annex. A-4) dated 16.9.91 and the respondents vide their letter dated 10.10.91 admitted these two mistakes viz., (i) the applicant being unsuccessful in shorthand and (ii) date. This means that they admitted <sup>that</sup> these two mistakes have occurred and the date was wrongly indicated due to technical flaw. They also admitted that the applicant has been wrongly shown as unsuccessful in the shorthand test. In consequence, the respondents sent a revised marks sheet dated 12.9.91, but they have also contended that there was no mistake in the allotment of marks as communicated to the applicant. The applicant, therefore, suspected that the respondents were hiding something which if admitted or if it comes to light, then it will make their integrity and credibility doubtful. The applicant, therefore, on these grounds apprehends in this O.A. that his answer books or the marks which

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have been allotted to him have been interchanged with some other candidate who had appeared in the shorthand test. The applicant argues that it is the examinee himself who knows best about his performance in the examination and he expected more marks to be allotted by the examiners because he has performed very well. This euphoria of the applicant of better performance in the examination disappeared only when the marks sheet was sent to him by the respondents.

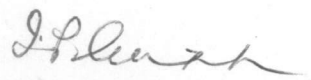
3. A notice was issued to the respondents and in their counter they have candidly accepted these two mistakes which have been referred to hereinabove. They have also given reasons for this mistake and they contend that as soon as these two mistakes were discovered, the correct marks sheet was sent to the applicant. They further contend that the marks which were allotted by the examiners to the applicant were correct and no mistake has occurred in the evaluation of the answer books. In their detailed reply, they have contended that the errors which were discovered were rectified immediately not only with regard to the applicant, but other candidates also and to them also fresh marks <sup>sheet</sup> were sent with the appropriate marks. To prove their bonafide, though they could have claimed privilege in producing the answer books, they have candidly supplied the entire confidential folder containing all the records of the applicant. We have minutely gone through the entire record and also the answer books which were written by the applicant during the examination. On examination of the answer books, it is found that the Roll Nos. are correctly given; papers are correctly marked; marks have been allotted by the examiners separately on different answers in the answer books. We have also calculated the marks given therein by the examiners and we found that there is no arithmetical mistake in totalling the marks secured by the applicant in those examinations. The marks which have been allotted by the examiners are in neat hand on the margins with no over-writings and there does not appear any reason as to why the bonafide of these documents should be doubted. The only ground of the applicant is that his performance in the examination was good and he should have been allotted more marks by the examiners for his answers.

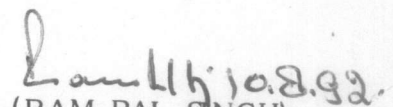
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The allotment of the marks to an examinee by the examiner is the right and privilege of the examiner who is an expert of the subject and examines the answers given in the answer books, then evaluates and allots marks. The self-confidence for the euphoria of the applicant can never be a ground for doubting the correctness of the marks allotted to him in the examination. On perusal of the record of the U.P.S.C., which has been placed for our inspection we find no reasons to doubt the correctness of the marks allotted to him. No material has been placed by the applicant on record before us which could persuade us to doubt the evaluation of his answer books. Self-assessment by the applicant of himself may be correct in his estimation, but cannot persuade us to doubt the integrity of the examiners.

We, therefore, see no merit in this O.A. and it is dismissed with no order as to costs.

  
(I.P. GUPTA) 10/8/92  
MEMBER (A)

  
(RAM PAL SINGH) 10.8.92.  
VICE-CHAIRMAN (J)