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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.NO.1776/2004

New Delhi, this the 5th day of August, 2004

HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN  
HON'BLE SHRI S.A.SINGH, MEMBER (A)

Mrs. Rukhsana Aeltemesh Rein  
w/o Mr. Aeltemesh Rein  
Senior Personnel Inspector, Personnel Branch  
Northern Railway Head Quarters  
Room No.345, 3rd Floor, Baroda House  
New Delhi. .. Applicant

(By Advocate: Sh. Prabhat Kumar)

Versus

1. Union of India through  
the Secretary  
Ministry of Railways,  
Government of India  
Rail Bhawan  
New Delhi.
2. The General Manager  
Northern Railway Head Quarters,  
Baroda House  
NEW DELHI. ... Respondents

O R D E R (Oral)

Justice V.S. Aggarwal:-

Applicant Mrs.Rukhsana Aeltemesh Rein is working as Senior Personnel Inspector in the Personnel Branch of Northern Railway. She had filed O.A.1695/2004. On 16.7.2004, it was urged that seemingly there is a mistake in transferring the marks that have been awarded to her. Thereupon the said O.A. was disposed of with the following directions:

"3. During the course of the submissions, learned counsel for the applicant urged that the applicant is sure that she had done very well and seemingly there is a mistake in transferring the marks that have been awarded to her in the answer-sheet. He also pointed that the interviews are fixed for 20.7.2004. Pertaining to this, she has already submitted a representation dated 17.6.2004 but no reply has been given to the

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applicant.

4. Since the rights of the respondents are not likely to be affected, we deem it unnecessary to issue a notice to show cause while disposing of the present Original Application. It is directed that Chief Personnel Officer of Northern Railway should call for the answer-sheet of the applicant and get it re-checked and inform the applicant in this regard on or before 20.7.2004.

5. With these directions, the present Original Application is disposed of at the admission stage."

2. Needless to state that applicant had taken the test for promotion to the post of Assistant Personnel Officer.

3. After the order of this Tribunal, vide order of 19.7.2004, it was recorded by *28/5*

- "1. Fly-leaf on both the papers have a code which tallies with the code on both the answer sheets respectively. The Applicant has written her name and designation on fly-leaf of both the papers. This hand-writing matches with the hand-writing on the respective answer sheets.
2. There are no other codes on both the answer sheets to indicate any possibility of mal-practice of her marks being given to somebody or somebody else's marks transferred to her.
3. The supplementary answer sheets attached with both the answer sheets have continued page numbers written in candidate's own hand-writing so there is no possibility of full books not being evaluated as written by the Applicant specially when the applicant in her own hand-writing has written the total number of pages used at the end of the answer sheets.
4. All the answers in the answer sheets have been evaluated.
5. The totalling has correctly been done.
6. She has obtained around the same level

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of marks in both the papers."


4. Learned counsel for the applicant contends that the answer sheet should be re-evaluated. In support of her contention, she relies upon the decision of the Kerala High Court in the case of M.G. University vs. Millu Dandapani, 1999 (6) SLR 752. We do not dispute the broad proposition that in a proper case if re-evaluation is necessary, the Tribunals/Courts can direct to that extent. In fact, the said High Court held that it is open to the Court to adopt a fair and reasonable course in the facts and circumstances of the case but it must be prima facie satisfied that the matter is required to be looked into.


5. In the present case before us, as directed earlier, the papers of the applicant had been re-checked. It is not now asserted that there is any mistake in totalling. Unless there are other cogent reasons, a person on mere apprehensions, cannot make allegations which are figment of imagination. Merely stating that she has done well in the test and, therefore, the paper should be re-evaluated by an independent person, would be totally contrary to the known rules of the game. Learned counsel for the applicant fairly told us that some of the answers were subjective. In that event, indeed a third person cannot be made to re-evaluate independently.

6. No other argument was raised.



7. Taking stock of the totality of facts, we find that the O.A. is without merit. It must fail and is dismissed in limine.

  
(S.A. Singh)  
Member (A)

  
(V.S. Aggarwal)  
Chairman

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