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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...

Dated: 31 August, 1995.

O.A. No. 843 Of 1988

Hon. Mr. S. Das Gupta, Member (A)
Hon. Mr. T.L. Verma, Member (J)

Vinod Singh, son of late B.P. Singh
R/o 904 University Road,
Allahabad. APPLICANT.

(By Advocate Sri A.V. Srivastava)

VERSUS

1. Union of India,
through Chairman, U.P.S.C. Dholpur House,
Shahjahan Road, New Delhi.
2. Secretary, U.P.S.C. Dholpur House,
Shahjahan Road, New Delhi ... RESPONDENTS.

(By Advocate Sri N.B. Singh)

O R D E R

(By Hon. Mr. S. Das Gupta, Member (A))

The applicant in this O.A. had appeared in the Civil Services Examination, 1987 and after qualifying in the preliminary examination, he appeared in the Mains Examination with Political Science and Philosophy as his optional papers. This was the last chance for the applicant to appear in the Civil Services Examination having earlier appeared in 1985- and 1986 Examination without success. He, therefore, had laboured hard to succeed in the 1987 Examination and was hopeful of qualifying in the same. However, when he received the mark-sheet in May, 1988 he came to know that he had not qualified in the written test of the Mains Examination. A copy of the mark-sheet is

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at Annexure-A 1 which shows that he secured only 52 out of 300 marks in the First paper of Political Science whereas in all other papers, he had secured much higher marks. As the applicant was M.A. in Political Science and had done fairly well in the Mains Examination, he was surprised to see the marks obtained in the First Paper of Political Science. He sent a representation to the U.P.S.C., the respondent no.1 on 13.5.1988 expressing his doubts as to whether there was any error in the tabulation of the marks or whether some answers had remained unevaluated. In response to his representation, the applicant received a letter dated 23.6.1988 (Annexure-A 3) intimating that in the political science First Paper, his marks should be read ^{as} 75 instead of 52 out of 300. Even on this revision of marks, the applicant ~~did~~ not qualify.

2. The applicant feels that there has been something basically wrong with the marks allotted to him in the political science First paper in view of the fact that he had done much better than the marks allotted would indicate and also because he had succeeded ⁱⁿ several provincial Civil Services Examination with the same papers. He, therefore, approached this Tribunal under Sec.19 of the Administrative Tribunal

Tribunals Act, 1985 seeking a direction to the respondents to produce before the Tribunal the Tabulation chart and the answer book for verification and to declare the result of the applicant on the basis of such examination and verification.

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3. A counter affidavit has been filed on behalf of the U.P.S.C., the respondent no.1 in this case. It has been stated therein that the commission is aware of its responsibility of conducting ^{examination} for appointment to the service of the Union and has devised procedure for conducting of examination and finalisation of marks/result in order to ensure that in a competitive examination no injustice is done to any candidate due to incorrect evaluation of answer books. Thus, on receipt of the representation from the applicant, ^{again} ~~again~~ to verify the correctness of the marks awarded in the Political Science and International Relations Paper First of the applicant was taken and the reply was accordingly given. It has been further averred that after verification and recheck, there was no further mistake in the result as communicated to the applicant. The low marks obtained by the applicant in the Political Science and International Relation Paper First are based on his actual performance in the Examination.

4. The applicant has filed a rejoinder affidavit in which he has reiterated the stand taken by him in the Original Application.

5. We have heard the learned counsel for the parties and have gone through the pleadings of the case carefully.

6. The U.P.S.C. is charged ^{with} ~~to~~ the responsibility of conducting examination for selection not only to

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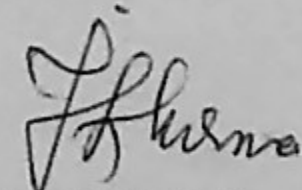
Civil Services of Union ~~but~~ also a large number of Senior level posts in various department. The U.P.S.C. has elaborate system of conducting ~~amhykgnbkig hgf iq~~ ^{examining and} evaluating the answers and declaring results based on the same. No court can constitute itself into a selection committee and substitute its assessment for the assessment of the selection committee which is properly constituted. It would become a mockery of the entire system of selection ^{if} ~~for~~ the courts ^{start} ~~to~~ call for answer books and ~~start~~ evaluating answers themselves. This is not the job of any court/Tribunal. It is the job of an expert body of examiners having specialised knowledge in the particular field of discipline in which the examination is taken. The applicant's grievance in ~~as~~ this case arises mainly from ~~as~~ the fact ^{that} that in his own mental assessment, he was entitled ^{to} ~~of~~ higher marks in a particular paper. This is based on his own idea about his knowledge about the particular subject and his performance in the examination. Such assessment can hardly be an objective assessment. If on the basis of imagined grievances of examinees relating ^{to} ~~relatively~~ lower marks obtained by them in any examination, the Courts/Tribunal start interfering, the entire process of Examination/Selection will come to standstill. The courts/Tribunal can interfere only if there is any allegation of malafide and arbitrariness brought out which would tend to indicate that the process of examination and evaluation has not been above board. It is not so in the instant case. The applicant represented to the respondent no.1 regarding the low

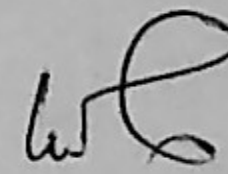
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marks obtained by him in a particular paper~~s~~ and the respondent no. 1 after rechecking and reverification had communicated to him ~~that~~ that he was allotted somewhat higher marks than was earlier allotted. In our view the matter must end ~~so. here~~ ,

7. In view of the foregoing, we see no reason to interfere in ~~the~~ the matter and accordingly, the O.A. is dismissed as having no merit~~s~~. Parties to bear their own costs.


MEMBER (J)


MEMBER (A)

(N.U.)