

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO. 691 OF 2002  
TUESDAY, THIS THE 7TH DAY OF OCTOBER, 2002

HON'BLE MR. S. DAYAL, MEMBER-A  
HON'BLE MR. A. K. BHATNAGAR, MEMBER-J

Vivek Kumar Yadav  
S/o of Shri J.S. Yadav,  
R/o Additional District Judge,  
District Court,  
Gorakhpur. .... Applicant

(By Advocate Shri S. Agrawal)

Versus

Union Public Service Commission,  
Dhaulpur House, Shahjaganpur Road,  
New Delhi through its  
Secretary. .... Respondents

(By Advocate Shri S. Chaturvedi)

O R D E R

HON'BLE MR. S. DAYAL, MEMBER-A

This application has been filed for issuing directions to the Union Public Service Commission to permit scrutiny/re-evaluation of the answer sheet of the applicant in the paper of General Studies Paper-I and Philosophy of Civil Services (Main) Examination, 2001. A direction is also sought to the respondents that if the applicant was found entitled to have more marks, to award the same and re-prepare the result of the applicant, and, if found selected, include the name of the applicant in the list of successful candidates.

2. The applicant appeared in Civil Services Examination 1999 and qualified in the Preliminary Examination as well as in the main examination and was called for interview. Since the applicant could secured less than fifty percent marks in the interview, his name did not find place in the list of successful candidates. It is claimed that the





applicant secured '191' and '169' marks out of 300 in paper 'I' and Paper 'II' of Philosophy.

3. The applicant appeared again in the Civil Services Examination, 2001 and qualified in the Preliminary and Main Examination and was called for interview. The name of the applicant did not find place in the result declared in May, 2002. He found that he had secured more marks including interview but in Philosophy, he got substantially lower marks which were '134' and '126' respectively. He <sup>was</sup> also not satisfied with the marks received in General Studies Paper-I in which he had secured 150 marks in the first Examination held in 1999 and 137 marks in the second examination held in 2001. He has sought the relief in this case in the backdrop of above facts.

4. The arguments of Shri S. Agrawal, learned counsel for the applicant and Shri Pankaj Srivastava, brief holder of Shri S. Chaturvedi, learned counsel for the respondents have been heard.

5. The counter reply shows that the applicant got 137 marks in General Studies Paper-I, 135 marks in Philosophy Paper-I and 200 marks in Philosophy Paper-II. His marks in Anthropology Paper-I and II were 134 and 126 respectively.

6. The applicant's representation dated 27.05.02 was received by the Commission and ~~enclose~~ <sup>it had scrutinised</sup> all the records of all the papers ~~had been done~~ <sup>was</sup> and it was found that no part of the answersheet <sup>was</sup> left unevaluated, There was no totalling error and all answer books were intact, and there <sup>was</sup> ~~is~~ no error



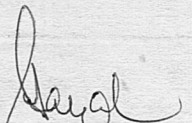
of any other kind. The applicant was intimated the result of the scrutiny by letter dated 25.06.2002.

7. The respondents have also mentioned in the counter reply that there is no rule providing for re-evaluation. In the absence of such a rule the prayer of the applicant for re-evaluation could not be accepted. However, due care has been taken to see that no injustice has been occasioned on account of part evaluation and totalling taking place or all the marks were not added.

8. In view of the facts brought on record in the counter reply, we are satisfied that no reasons exists for granting the relief prayed for by the applicant. The O.A. is, therefore, dismissed as lacking in merits.

9. There shall be no order as to costs.

  
Member-J

  
Member-A

/Neelam/