

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD.

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Original Application No. 1248 of 2003

this the 5th day of February' 2004.

HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER (A)
HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

purnendu Misra, S/o Sri Chandra prakash Misra, aged about 28 years, R/o B-406, CST Towers Vipin Khand, Gomti Nagar, Lucknow and permanent address Village Bijauli Tiwari post Gaura Jai Nagar, District Deoria.

Applicant.

By Advocate : Sri K.K. Misra
Versus.

1. Union of India through Secretary, Department of personnel, New Delhi.
2. Union public Service Commission, Dholpur House, New Delhi through its Secretary.

Respondents.

By Advocate : Sri S. Chaturvedi.

O R D E R

per Maj Gen K.K. Srivastava, Member (A)

In this O.A. filed under Section 19 of the A.T. Act, 1985, the applicant has prayed that the respondents be directed to place before the Court the copy of physics (both papers) i.e. Optional (Code-I & Code-II) bearing Roll no. 033244 appeared in Civil Services (Mains) Examination 2002 and pass necessary orders after perusing the same.

2. Sri K.K. Misra, learned counsel for the applicant submitted that the applicant has very high achievements in the academic field. He succeeded in prelims. Examination in last 2 attempts and Mains Examination both and was also called to appear for interview. However, /Civil Services Examination 2002, applicant again appeared after


significantly improving his level of preparation. If the answer books of physics of the applicant are called for, ^{h v} it would reveal the truth.

3. The learned counsel further submitted that it appears that in the Mains Examination certain portion of his answersheet ^h or totalling etc. have been left over thereby correct marks obtained in the physics have not been shown and had his answer book of physics examined properly he would have secured much more marks and would have certainly come in the merit.

4. Learned counsel for the respondents submitted that the relief claimed by the applicant cannot be granted as there is no such rule for showing the answer books to the applicant.

5. We have heard both the counsel, considered their submissions and perused the records.

6. The applicant has annexed his marksheet as Annexure A-9 showing the marks obtained by him, in each paper of the Civil Services (Mains) Examination, 2002. We are not inclined to accept the argument of the learned counsel for the applicant that the applicant's copy should be shown to ensure that all the answers have been seen and marked by the Examiner. The doubt raised by the applicant is a mere conjecture having no basis. Besides in a competitive examination such as Civil Services Examination, more than a lakh candidates appear and every one who appears considers that he has put in required preparation and is fit to be selected and a large number of candidates feel that they have performed very well. U.P.S.C. which is ^h an examining body conducts examination as per rules and notification issued by the Govt. of India. It may be unfortunate for the applicant that it was the last chance for him in 2002 and also that he has not been selected



though he qualified for the prelims and Mains and appeared in the Interview. No wrong appears to have been committed by the UPSC in declaring the result on the basis of the marks obtained by the applicant. Once he has not come within the merit, his name could not have been included in the list of successful candidates.

7. We would like to observe that if the applicant had any doubt about the marks secured by him in physics, he could have approached UPSC for re-calculation of the marks etc. as per rules. Nowhere, we find on the basis of the record that he has requested for re-calculation of marks except that he has filed a representation dated 06.05.2003 (Annexure A-8).

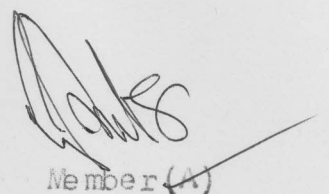
8. We would like to observe that if such misconceived reliefs are entertained, it would open the floodgates for litigation by many such unsuccessful candidates.

9. In our considered opinion, relief claimed by the applicant cannot be granted by this Court. O.A. is devoid of merit and is dismissed at admission stage ~~rel~~ itself. We leave it open for the applicant to approach UPSC in accordance with rules.

No costs.



Member (J)



Member (A)

GIRISH/-