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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH

Original Application No. 303 of 1987. 19

Date of decision : September 23, 1988.

Rajakishore Mohapatra, son of Pankaja Rana,  
At- Narasinghpur Sub- Post Office, P.O. Narasinghpur,  
Dist- Cuttack .. Applicant.

Versus

1. Union of India, represented by the Secretary, Ministry of Communication, Govt. of India, Sanchar Bhawan, New Delhi.
2. Post Master General, Orissa Circle, Bhubaneswar.
3. Senior Superintendent of Post Offices, Composite South Division, Cuttack.

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Respondents.

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M/s R.K. Mohapatra, B. Routray,  
R.K. Dash & B.C. Das,  
Advocates ..

For Applicant.

Mr. A.B. Misra, Sr. Standing  
Counsel (Central) &

Mr. Tahali Dalai, Addl.  
Standing Counsel (Central) ..

For Respondents.

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C O R A M :

THE HON'BLE MR. B.R. PATEL, VICE CHAIRMAN

A N D

THE HON'BLE MR. K.P. ACHARYA, MEMBER (JUDICIAL)

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1. whether the reporters of local papers may be allowed to see the judgment ? Yes .
2. To be referred to the Reporters of not ? NO
3. whether Their Lordships wish to see the fair copy of the judgment ? Yes .

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JUDGMENT.

K.P.ACHARYA, MEMBER(J), In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays that the marks allotted to him in Arithmetic (Paper 'D') in regard to the examination held for appointment to the post/ posts of Postman lying at the disposal of the Post Master General, Orissa Circle. be revalued.

2. Shortly stated the case of the petitioner is that while functioning as an Extra- Departmental Delivery Agent, he had applied for being appointed to the post of Postman and for such appointment, an examination has to be conducted and candidates are required to qualify themselves in the said examination. Prior to this application, the petitioner had come up before us alleging that the cancellation of the examination was improper and therefore he prayed that the cancellation should be struck down. This formed subject-matter of Original Application No.55 of 1986 read with Review Application No.2 of 1986. The Review Application was disposed of on 27.3.1987. Therein we directed that there should be another examination in Paper 'D' (Arithmetic) in which the petitioner along with others should appear and their examination paper should be revalued and total marks should be added and thereafter the result should be published. The result has now been published and the petitioner, unfortunately, has not qualified himself. Hence he has come up with this application with a prayer that the Arithmetic paper has been wrongly valued by the examiner and therefore, necessary relief

should be given to him according to law .

3. In their counter, the Opposite Parties maintained that no illegality has been committed by the examiner and the paper has been correctly valued and therefore the case being devoid of merit is liable to be dismissed.

4. We have heard Mr. R.K. Mohapatra, learned counsel for the petitioner and Mr. Tahali Dalai, learned Additional Standing Counsel for the Central Government at some length. We have also perused the answer paper. Law is well settled that Court cannot step into the shoes of an examiner and value the answer papers. This is a matter which lies completely within the province of the examiner. Mr. Mohapatra submitted that so far as the nature of questions and answers are concerned, it was incumbent upon the examiner to award marks step by step. Further Mr. Mohapatra submitted that the mark given by the examiner on the totality of the answer is improper and not according to the procedure laid down for awarding marks. No instructions or guidelines could be placed before us as to the correct procedure which is to be adopted in regard to valuation of different answer papers and therefore we are not in a position either to reject or accept the submission made by Mr. Mohapatra which was stiffly opposed to by Mr. Dalai, learned Addl. Standing Counsel for the Central Government. Mr. Dalai vehemently urged that the answers having been correctly valued, there is no further scope for the petitioner

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to agitate before this Bench. However, after giving our anxious consideration to the arguments advanced at the Bar and for the ends of justice, we would remand this case with a direction that in case the procedure contemplated ( according to the examiner ) mark should be given by step by step, and then the examiner should act accordingly provided that the same procedure has been adopted in the case of other candidates. After this procedure is followed, namely giving marks step by step, the marks awarded to the petitioner should be totalled and final marks should be allotted and if the petitioner qualifies, he should be declared to have passed. Otherwise if the examiner is of opinion that the correct procedure has been followed and this has been followed in case of all candidates, no further action need be taken and the result already published shall stand.

5. Thus, the application is accordingly disposed of leaving the parties to bear their own costs.

*Agreed my*  
..... 23.9.88  
Member ( Judicial )

B.R. PATEL, VICE CHAIRMAN, *I agree.*

*23.9.88*  
..... Vice Chairman .....

Central Administrative Tribunal,  
Cuttack Bench.  
September 23, 1988/Roy, Sr.P.A.