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(134)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.319 of 1990.

Date of decision : 13-11-92

Nrusingh Patra ...

Applicant.

Versus

Union of India and others ...

Respondent s.

For the applicant ...

M/s.S.Kr.Mohanty,
S.P.Mohanty, Advocates.

For the respondents ...

Mr.P.N.Mohapatra ,
Addl. Standing Counsel
(Central)

C O R A M:

THE HONOURABLE MR.K.P.ACHARYA, VICE-CHAIRMAN

A N D

THE HONOURABLE MR.K.J.RAMAN, MEMBER (ADMN.)

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

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J U D G M E N T

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K.P.ACHARYA, V.C., In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to call for the answer books of all the candidates and the original of the vigilance report in Annexure-5 and injustice meted out to the applicant be redressed.

2. Shortly stated, the case of the applicant is that he is working as Lines Man, Phones, Rourkela. The applicant appeared in the Departmental competitive examination for promotion to the cadre of Technicians on 22.5.1989. The applicant secured 35 marks in Paper II which fell short by 5 marks because the minimum qualifying mark was 40. According to the applicant, he had done very well in Paper-III i.e. the subject of Arithmetic and therefore the paper should be reexamined and revalued. According to the applicant, there was a complaint regarding valuation of answer papers who appeared at Bhubaneswar centre on 22.5.1989 and the complaint has not been properly looked into. Hence, this application with the aforesaid prayer.

3. In their counter, the respondents maintained that as a matter of fact some of the examinees had indulged and adopted unfair means. The applicant had not adopted any unfair means. Results were announced and marks were communicated as per Rules and the applicant not having obtained the qualifying marks he was not selected. Hence, this application being devoid of merit

is liable to be dismissed.
for

4. We have heard Mr. S. P. Mohanty, learned counsel for the applicant and Mr. P. N. Mohapatra, learned Addl. Standing Counsel (Central) for the respondents. On a perusal of the counter it appears that some of the examinees had indulged and adopted unfair means for which action is being taken against them. That is not the end of all. If the departmental authorities are of opinion that unfair means was adopted by some of the candidates who have secured higher marks than the applicant then the only presumption could be drawn is that the examination has not been conducted by fair means. Equal opportunity has not been given to all examinees. Therefore, the results are hereby quashed and it is directed that fresh examination be held and the applicant and others who are required to face the examination may be asked to appear at the examination which is to be conducted in a very fair manner with utmost vigilance over the examinees and thereafter the results be published.

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

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MEMBER (ADMN.)

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VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench, Cuttack.
November 13, 1992/Sarangi.

