

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

5.8.98

Heard the learned counsel for the applicant on the question of admission in the presence of Shri D.N. Mishra, learned Addl. Standing Counsel, who has been served with a copy of the application.

The applicant appeared in the written test conducted by Respondent No.3, i.e. Railway Recruitment Board, Bhubaneswar, on 18.1.1993. His case is that though he has answered all the 170 objective questions successfully to the best of his satisfaction without giving more than one answer against any question by darkening more than one circle nor changing the darkening of any circle against any question as per the instructions mentioned in the question paper and expected to secure 150 marks out of total 170 marks, has been awarded much less marks in the written examination. Still he was called for the interview, i.e. viva voce on 14.7.1998. According to him, he has also done extremely well in the viva voce test and came to know that out of 30 marks, he has secured 26 marks in that test. But he was shocked and surprised to know that he has not been selected to the post of Depot Store Keeper, Gr.III for which the recruitment was held even though 28 candidates were selected in the written test to face the test for 5 unreserved posts. Since the marks in the viva voce test and written test are taken together for selection, he understands that he has been awarded less marks in the written test and as such apprehends that either his answers in the written test have been tampered or there might have been computer error in awarding marks in the written examination. For this reason he prays for quashing the select list published which does not contain his name and further to direct Respondent No.3 to revalue or recheck his answer papers in the written examination.

It is neither clear from the application nor from the submissions made by the learned counsel for the applicant on what basis he apprehends that his answer paper has been tampered or there has been error in computer marking. A candidate in a recruitment test is not expected to assess his ability for himself and thereafter assume something has gone wrong in the selection process in case of his non-selection. In this

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application excepting his suspicion that his answer papers might have been tampered or there might have been error in computer marking, we do not see any other material to come to a prima facie view that there has been some such tampering or error in computer marking. Cause of action on account of irregularity or malafide in the selection process of a recruitment test will not arise only on the basis of self assessment made by a candidate of his performance and consequent suspicion in the event of non-selection on the basis of such self assessment. There must be further more material to prima facie point out such irregularity or malafide in the selection process which is lacking in this case.

In the result, we are of the view that there is no merit in this application for admission and is accordingly dismissed in limine.

A copy of
the order

VICE-CHAIRMAN

MEMBER (JUDICIAL)

dt. 5.8.98
given to the
Counsel for
both sides.

PK
6/8

DR. M

06.08.98

S-O

Received copy.

Ramya

for Application
6.8.98

Order dt. 5.8.98

A copy of order
with application
may be sent to
all respondents by
regd. POST/AD.

DR. M

20.08.98

S-O (J)