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O.A. No. 443 of 2010

Sushanta Mohanty.....Applicant

VS

Union of India & Ors.....Respondents

Order dated: 28.03.2011

CORAM:

Hon'ble Shri C.R.Mohapatra, Member (Admn.)

&

Hon'ble Shri A.K.Patnaik, Member (Judl.)

This O.A. has been filed by the applicant who is at present working as Section Supervisor under the Respondents-BSNL seeking the following relief:

"A. Order under Annexure-A/10 be quashed after declaring the same as illegal;

B. Respondents be directed to round up 56.5 marks obtained by the applicant in paper-V to 57 and award 3 grace marks and accordingly appoint him as Junior Accounts Officer.

In the alternative, respondents be directed to make fresh evaluation of answer script of Paper-V by proper examiner/authority.

C. Any other order....."

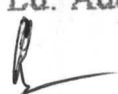
2. The Respondents have filed their counter opposing the prayer of the applicant, to which the Applicant has filed a rejoinder.

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3. The main thrust of the O.A., according to the applicant is that he had appeared at the Internal Competitive, JAO Examination against 40% quota during January, 2010. In the said examination, the applicant secured 56.5 marks in paper-V although, according to him, he was expecting more marks. According to the applicant, he has secured minimum pass marks in respect of all the papers excluding paper-V. In the above background, the applicant preferred a representation for allowing him 3 grace marks in view of DoT Circular dated 20.06.1994 and rounded off to 60 marks. The above representation of the applicant having not been acceded to vide Annexure-A/10, the applicant has moved this Tribunal with the prayer referred to above.

4. The Respondents Department have only pointed out that DoT Circular dated 20.06.1994 is not applicable to the applicant inasmuch as the examination appeared by the applicant was a competitive one and not a departmental qualifying examination. With this submission, Respondents have prayed that the O.A. being devoid of merit is liable to be dismissed.

5. We have heard Mr. B. Mohanty-I, Ld. Counsel for the applicant and Mr. S.B. Jena, Ld. Additional Standing



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Counsel for the Respondents and considered the submissions advanced at the Bar. We have gone through the relevant circular of DoT dated 20.06.1994 laying down the principle for granting grace marks to candidates appearing in Departmental Qualifying Examination with descriptive type question papers etc. It is the case of the applicant that the examination papers he was attending were all descriptive in nature and as such having regard to the said circular of DoT, he is entitled to grace marks, as he has failed in one of the papers.

6. We have given our anxious considerations and gone through the relevant circular governing the subject. It is not in dispute that the examination which the applicant was appearing comprised of descriptive questions in all the disciplines. In view of this, we cannot but hold that the circular issued by the DoT dated 20.06.1994 has the application to the present case of the applicant insofar as, awarding of grace marks is concerned. Accordingly, we direct the Respondents-Department to extend the benefit of grace marks to the applicant rounding off to 60 within a period of 30 days from the date of receipt of copy of this order and take consequential action.

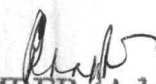
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7. Before parting with this case, it is needless to mention that there may be similarly circumstanced candidates as that of the applicant having failed in one of the papers in the examination, in question, who might have not approached the Court of Law or Tribunal. In order to maintain equity, justice and fair play and to maintain administration of justice, it would be proper if we direct the Respondents to extend the benefit of DoT Circular dated 20.06.1994 to all similarly situated persons as that of the applicant herein. Ordered accordingly.

8. With the observation and direction as aforesaid, the O.A. is disposed of. No costs.

  
MEMBER (Judl.)

  
MEMBER (Admn.)

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