

2. Order dated 20.05.2010

C O R A M:

THE HON'BLE MR.M.R.MOHANTY, VICE-CHAIRMAN
A N D
THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)

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Heard Mr. G.Rath, Learned Senior Counsel for the Applicant and Mr. S.B.Jena, Learned Counsel appearing for the Respondents and perused the materials placed on record.

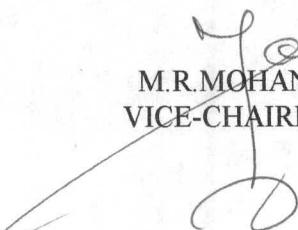
2. The grievance of applicant in nut shell is that he had appeared at the Limited Departmental Competitive Examination (LDCE) for promotion to the post of Sub Divisional Engineer in BSNL held on 15.7.2007. Result of the said examination was published on 8.7.2008. He was very much hopeful to come out successful in the said examination. However, he having not been qualified requested for getting the marks awarded to him in the examination which was supplied to him on 3.2.2009. He also applied for re-totaling of the marks of Paper II on 10.2.2009 and requested for the answer copy under RTI Act on 6.2.2009 which was supplied to him on 7.9.2009. From the answer sheet supplied to him he came to know that in Paper II he had secured only 49 marks as against pass mark of 50. He had also noticed that 3 marks awarded to him against Q 3 (c) and Q.3(d) were not added in the total. Therefore, by making representations he requested Respondents from 9.9.2009 onwards for correction of the totaling in paper II thereby declaring him qualified in the examination. No heed having been paid to such request of the applicant, he has approached this Tribunal in the present Original Application seeking direction to the Respondents to reevaluate the answer of the applicant to question No. 1(b) and 2(C) of paper II of the said examination where no mark and less mark has been awarded to the applicant; to declare that the applicant has secured at least 52 marks in paper II of the LDCE for promotion to the grade of Sub Divisional Engineer in BSNL under 25% quota held on 15.7.2007 after taking into account the marks awarded to him against Q.No.3(c) and 3(d) of Paper II and thereby qualified in the said examination to become eligible to get all consequential benefits viz; seniority and

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promotion etc and to quash the Annexure-A/6 in so far as the marks secured by the applicant in Paper II of the said examination is concerned.

3. Prima facie, from the materials placed on record, it appears that there has been some wrong in calculation of the aggregate marks secured by the applicant in different papers. Although it is settled law that Courts/Tribunal has no power to direct revaluation of answer sheets yet, there can be no bar to direct the Respondents to rectify the mistake if occurred while totaling the marks awarded in different subjects. Since, prima facie it appears there has been wrong in aggregating the total marks of the applicant particularly with reference to Q.3(c) & (d) of Paper II and it is the positive case of the applicant that representations submitted seeking rectification of such mistake are still pending, without waste of time we remit the matter to the Respondents to consider the grievance of the applicant raised in this OA and communicate its decision in a reasoned order to the applicant within a period of 45 days from the date of receipt of this order.

4. With the aforesaid direction this OA is disposed of at this admission stage.

5. Send copies of this order along with copies of the OA to the Respondents and free copies of this order be given to Learned Counsel for both sides.


M.R. MOHANTY
VICE-CHAIRMAN


(C.R. MOHAPATRA)
MEMBER (ADMN.)