

Central Administrative Tribunal
Calcutta Bench

OA 720/96

10-5-05

Present : Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman
Hon'ble Mr.N.D. Dayal, Member(A)

Amarendra Nath Sarkar

-Vs-

Post

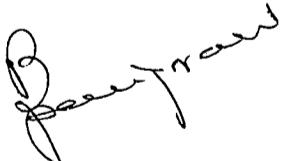
For the applicant : Mr.A.K. Das, Counsel

For the respondents : Mr.S.K. Dutta, Counsel

ORDER

Per Mr.Justice B. Panigrahi, V.C.

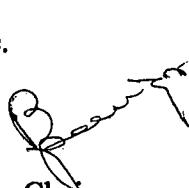
In this case the applicant has prayed for cancellation and/or withdrawal of the impugned Circular/Notification dated 7-3-96 purporting to hold the examination on 28-6-96 and to direct the respondents to reexamine the answer scripts of Paper III of the applicant in terms of the extant rules. The applicant joined service under the Postal Department as EDDA on 2-2-1976 and was promoted to the post of Postman in 1984. He appeared in the Departmental Selection test for the post of Postal/Sorting Assistant in 1992 and 1995. In the aforesaid Departmental tests the applicant was declared unsuccessful. Therefore, he filed an application for review and retotalling of marks by depositing certain amount as required under the extant rules. After careful examination it was found that the marks was in order. Therefore on both the occasions the respondents declared the applicant unsuccessful for the post of Sorting Assistant. Therefore, being aggrieved and affected by the order of the respondent authorities he has filed this case.



2. Mr. Das, the learned counsel for the applicant has submitted that since the applicant carries an impression to have faired better in the examination and respondent authorities might have incorrectly evaluated the answer script, therefore the applicant has rightly claimed that proper evaluation be made and results be modified on the basis of such evaluation. Mr. Dutta, the learned counsel for the respondents has submitted that since the examinations had taken place in 1992 and 1995, at such distance of time answer scripts may not be available with the respondents. Even such answer scripts are available, the court in judicial review cannot assume the power of revision of answer script of the applicant. We find the submission of Mr. Dutta is quite germane. Since the answer scripts have been properly examined by the respondent authorities and in the event of being unsuccessful in the examinations held in 1992 and 1995, at such distance of time we do not feel any direction could be given for re-evaluation of the answer scripts. Accordingly, the matter since lacks merit, the same is hereby dismissed. No costs. However, it is open to the respondents to consider his case if otherwise he is found eligible.



Member(A)



Vice-Chairman