

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

Date of order : 2.6.1995.

O.A.No.226 OF 1995.

MANGI LAL : Applicant

vs.

UNION OF INDIA AND ORS. : Respondents

CORAM :

THE HON'BLE MR.N.K.VERMA, MEMBER (ADMINISTRATIVE)

Present

Mr.M.C.Bhoot, Counsel for the applicant.

BY THE COURT :

Heard Shri M.C.Bhoot, learned counsel for the applicant who has come here today for seeking admission of this case regarding written test held on 15th April, 1995 after which he has not been called for an interview or viva-voce test. The applicant seeks a direction from this Tribunal that the original question paper and the original answer sheets of the applicant may be called and for perusal of the court/if necessary, for re-checking and re-examination. However, pending final decision of this O.A. the applicant also prays for interim order that ~~one~~ one seat against the scheduled caste quota in the cadre of Train Examiners at Jodhpur may be kept vacant.



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2. The facts of the case are that the applicant who is a member of the scheduled caste appeared at a written test on 2.4.1995 for selection as a Train Examiner Grade Rs.1400-2300 against the 40% quota from amongst the Artisan class staff as a reserved category candidate. He claims that he had given answers to his ut-most satisfaction and he should have been given marks not less than 60%. However, to his surprise, he was denied call for oral examination and viva-voce test held on 8.5.1995, hence the O.A.

3. During the course of arguments Shri M.C.Shoot submitted that in a similar case in regard to Shri Sohan Lal vs. Union of India and Ors. , decided in this very Bench of the Tribunal the Tribunal was pleased to call for the answer books and for revaluation/re-totalling were conducted by the Tribunal and hence, he wants the similar benefit in regard to the applicant. In case the Tribunal is not in agreement with this submission he seeks an adjournment in the matter so that he could produce the departmental circulars which entitles the applicant to have revaluation/re-totalling of his answer books.

4. The applicant has not been called for an interview as per the Annexure A-1 which lists out six candidates who have qualified for the same on the basis of the written examination. The presumption therefore, is that the applicant has not obtained the requisite marks even by the relaxed standards applicable to the officials of

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the reserved category. Naturally, he has not been called for the interview. The only reason that he has come up in this OA before us is that he had done very well at the examination and should have obtained at least 60% marks. There are no rules in any departmental or any competitive examination which permits revaluation of any answer book. All the competitive examinations/departmental examinations permits re-totalling of the marks obtained in the answer books. The Tribunal in some cases have been interfering when the allegations of malafides or certain irregularities have been alleged in the conduct of the examination and the valuation of the same. In the instant case, the only ground for re-valuation or retotalling is the applicant's subjective expectation of 60% marks or more which cannot be a valid ground for any interference of this Tribunal. If the applicant ^{has} ~~has~~ any mis-giving about the results he is ^{entitled} ~~entitled~~ to apply to the department and obtain satisfaction on the doubts which he has about the appropriate valuation of the examination ~~pp~~ papers. I see no merit in this case for admission and therefore it is rejected.

N.K. Verma

(N.K. VERMA)
Member (A)

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Part II and III destroyed
in my presence on 26/11/95
under the supervision of
section officer () as per
order dated 24/9/95
Section officer (Record)

Copy of order
sent to sent
to Regd AD
vide no 265
dt 20/6/95

me
13/6/95
Copy of order dt 2-6-95
& copy of SA with Annex
sent by R-3 to R-1 to R-3 By Regd AD
vide no 368 to 70
dt 22/6/95
me
21-6-95