

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 136/2012

Jodhpur, this the 17th day of February, 2014

CORAM

**Hon'ble Mr.Justice Kailash Chandra Joshi, Member (Judicial)
Hon'ble Ms Meenakshi Hooja, Member (Administrative)**

Om Prakash Bhargava S/o Shri Satya Narayan Bhargav, aged about 41 years, R/o Ward No. 28, Shastri Nagar Chauk, Jatawas, Ratangarh, District-Churu. (Office Address :- Posted as GDS at Post Office Ratangarh)

.....Applicant

By Advocate: Mr S.P. Singh

Versus

1. Union of India through the Secretary, Government of India, Ministry of Communication, Department of Post, Dak Tar Bhawan, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur – 302007.
3. Postmaster General (PMG), Western Region, Jodhpur.
4. The Director, O/o Postmaster General, Western Region, Jodhpur.
5. Superintendent of Post Offices, Churu Division, Churu.
6. Head Postmaster, Ratangarh.
7. Mahaveer Prasad, Postman, Sardarsahar Post Office, District-Churu

.....Respondents

By Advocate : Respondents No. 1 to 6 through Ms K. Parveen.
None present for respondents No. 7.

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ORDER (Oral)

Per Justice K.C. Joshi, Member (J)

The present OA has been filed by the applicant to quash memo No. 39 dated 03.02.2012 (Ann. A/1) by which respondent-department informed the applicant of the marks obtained in English & Hindi dictations, therefore, he has prayed for the following reliefs:-

- a. That by writ order or direction the impugned order memo No. 39 dated 03.02.2012 may kindly be declared unjust, illegal and deserves to be quashed and set aside.
- b. That by writ, order or direction the respondent may kindly be directed to examine the English and Hindi dictation answer sheet and appropriate marks may be marked for postman examination held on 27.03.2011.
- c. That by writ, order or direction the respondents may kindly be directed to allow the applicant to join in place of private respondents in consequence of result in favour, arising out due to proper check-marking of Hindi & English dictation answer sheet held on 27.03.2011.
- d. That by writ, order or direction the respondent may kindly be directed to consider the case of the applicant for selection to the post of Postman and all consequential benefit may kindly be granted.
- e. That any other direction or orders may be passed in favour of the applicant, which may be deemed just and proper under the facts and circumstances of this case in the interest of justice.
- f. That the costs of this application may be awarded to the applicant.

2. Short facts of the case as averred by the applicant are, that the applicant was initially appointed as EDA (GDS) in the year 1995

and being eligible to appear in the examination for selection to the post of Postman (hereinafter examination) was allotted Roll No. RJ-1-835 and appeared in the said examination held on 27.03.2011. The applicant was surprised to see the result of said examination as his name did not appear in select list of the examination as he averred to do well in the examination. The applicant sought information of marks obtained by him in the examination under RTI and respondent-department informed that he got 111 marks whereas list of successful candidates showed selection of OBC category candidate securing 83 marks. The applicant moved another application under RTI for providing copy of answer sheet of dictation of Hindi & English which was one of the paper and the same were provided. The applicant got 21 marks in English dictation and Hindi dictation answer was not evaluated nor marks were disbursed for the same. The applicant filed representations to the respondent No. 3 and 2 dated 29.09.2011 and 29.11.2011 respectively. It has been averred in the application that the applicant belongs to OBC and weaker section of the society and the applicant got 100% marks in paper I, 80% marks in paper II and total 111 marks obtained by him which is the highest marks amongst all candidates appeared in this exam. It has been further averred that the applicant has obtained total 74% marks and Hindi dictation answer sheet has not been marked and if it is done in proper way the applicant would be declared successful. It has also been averred in the application that the total words in English and Hindi is 250 each and if evaluating formula of 1 mark less for every ten mistake is applied he may get more than 45% marks in that paper, therefore,

the respondent-department deliberately and intentionally marked less. Thus, the applicant has filed this OA for seeking reliefs narrated in para 1 on this OA.

3. By way of reply, the respondent-department has averred that as per rules/instructions on the subject, it is necessary for a candidate that he stands in merit on the basis of aggregating marks with reference to available number of vacancies and also secure prescribed minimum qualifying marks in each of the papers of the examination to be declared successful in examination for promotion/recruitment to the cadre of Postman and minimum qualifying marks for OBC candidate in each paper is 45% as per DG letter dated 11.05.1989 which comes to 22 $\frac{1}{2}$ qualifying marks for a OBC candidate in each paper out of total 50 marks and it is possible that a candidate getting highest aggregate marks in comparison to other candidate, but if he fails to secure qualifying marks in one of the paper, he would not be successful. The applicant got 40, 50 & 21 marks respectively in each paper and he did not qualify in paper 'C'. It is further averred in the reply that Hindi dictation answer sheet of the applicant was evaluated by the examiner and he awarded 18 marks and in English dictation 03 marks to the applicant and the applicant got 21 marks out of 50 marks in the paper of dictation, against qualifying 22 $\frac{1}{2}$ marks for OBC candidate in each paper of the examination.



4. Heard both the parties. Counsel for the applicant contended that answer sheet of the Hindi dictation paper has not been evaluated by the respondent-department and without evaluating the answer sheet the applicant was allotted 21 marks out of total 50 marks paper. He further contended that the respondent-department in support of its reply did not file Ann. R/1 document (copy of evaluated answer sheet) rather filed copy of relevant rules. Counsel for the applicant further contended that without evaluating the answer book for Hindi dictation, marks were allotted to the applicant which cannot be said to be legal and the applicant must be considered passed in all the papers.

5. While hearing the arguments, counsel for the respondents No. 1 to 6 was directed to produce the photo copy of the answer sheet evaluated by examiner and counsel for the respondents No. 1 to 6 produced the photo copy of the same. Counsel for the respondents No. 1 to 6 submitted photo copy of answer sheet bearing roll No. RJ/I-835 and 03 marks in English dictation and 18 marks in Hindi dictation were allotted by the examiner in the produced document.

6. Thus, it is very clear from the photo copy of the answer sheet that copies of both dictations i.e. Hindi & English had been examined by the examiner and it is not within the purview of the applicant to reassess answer sheet in his own way. Therefore, no case to interfere in result is made out. So far as second relief is concerned, the respondent-department examined both the answer sheet, therefore,

respondents cannot be directed to consider the case of the applicant for the post of Postman.

7. In view of the discussions hereinabove made, OA lacks merit and the same is dismissed with no order as to costs. The office is directed to place on record photo copy of the answer sheet filed by respondents No. 1 to 6.



(MEENAKSHI HOOJA)
Administrative Member



(JUSTICE K.C.JOSHI)
Judicial Member

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