

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A No.429 /2011

Tuesday, this the 21st day of February, 2012.

CORAM

HON'BLE Dr K.B.S.RAJAN, JUDICIAL MEMBER
HON'BLE Ms. K.NOORJEHAN, ADMINISTRATIVE MEMBER

Smt.P.P.Vanajakumari,
W/o Jayaraman,
Postwoman, Kodungallure.P.O.
Irinjalakuda Division,
Residing at : "Chakalackal House",
P.O.Chalingad, Kaipamangalam-680 681. - Applicant

(By Advocate Mr Shafik.M.A.)

v.

1. Union of India represented by
the Chief Postmaster General,
Kerala Circle, Trivandrum-690 533.
2. The Senior Superintendent of Post Offices,
Irinjalakuda Division, Irinjalakuda-680 121. - Respondents

(By Advocate Mr Millu Dandapani, ACGSC)

This application having been finally heard on 15.02.2012, the Tribunal on 21.02.2012
delivered the following:

ORDER

HON'BLE Dr K.B.S.RAJAN, JUDICIAL MEMBER

The case of the applicant is that the applicant has been functioning as Postwoman and has taken part in the examination for the post of Postal Assistant (LGO Examination) held on 10-10-2010. As she was not declared successful, she obtained the copies of answer sheets, the key and the question paper under RTI and found that she could not get through in the examination as



she had narrowly missed to obtain the minimum marks. However, on going through the answer sheets, it is found that in all, in respect of two questions marks were not justifiably awarded, while in respect of yet another question, no marks were awarded. Hence, this OA has been preferred, for a direction to the respondents to re-evaluate the answer sheets and act accordingly.

2. The case of the respondents is that there are specific guidelines in respect of re-valuation of answer sheet and the case of the applicant does not fall within such a category where revaluation is possible. The respondents have justified in awarding less marks/nil marks to two of the questions. As regards the answer which had not been evaluated, no specific reply has been given by the respondents. The respondents have indicated the total number of vacancies in the relevant Division and of them only one vacancy has been filled up.

3. Counsel for the applicant argued that the question paper at Annexure A-6, Key to the answers at Annexure A5 and Answer sheets at Annexure A-3 and A-4 would show that the respondents have manifestly erred in evaluation of the answer sheet of the applicant. Three questions and their reply have been referred to by the counsel in this regard. These are as under:-

(a) Answer to Question 3(iv) of Paper I: This question carries 3 marks and the applicant has been awarded 2 out of 3. The case of the applicant is that if only one more mark has been awarded to this paper, the applicant would have cleared this paper. The mistake committed by the applicant in this answer is that instead of writing "rotates" the applicant had written "roates". The counsel submitted that in fact, apart from writing as above, the applicant has also written "or turns around every 24 hours". Thus

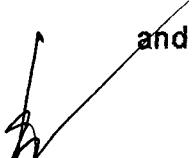


even if the word "roates" is ignored, the other answer words as stated above would complete the answer and full marks ought to have been awarded.

(b) In paper III, in respect of question I(iv) vide Annexure A-4 (page 22 of the OA), the answer has been tickmarked as correct, but no marks have been awarded.

(c) In respect of Question XIII, (What is the responsibility of the Department with regard to insured Articles?), answer given was based on Clause 182 of the Post Office Guide Part I. This relates to compensation in case of loss of the insured article. The Key contained the clause No. 42 of the said Guide, which relates to delivery. Counsel for the applicant submitted that the question was the responsibility of the Department. The responsibility of the Post Office is to ensure delivery, and in case of failure to deliver, the responsibility of the Department is to compensate and hence, the answer given was based on clause 182. Even if it be held that the primary responsibility is delivery and the question of compensation arises only in case of failure to effect delivery, the fact remains that some part of the answer has been rightly given by the applicant whereas, the mark awarded is zero.

4. Counsel for the applicant thus argued that if the above three questions have been properly evaluated, the applicant would have secured requisite marks for being appointed as Postal Assistant. The counsel argued that by re-evaluating and by modifying the result, none of the selected candidates would be put to any



disadvantage since, out of 3 unreserved and one Reserved vacancies, only one vacancy (UR) has been filled up and thus, there is every scope of the applicant being accommodated.

5. Counsel for the respondents submitted that there are prescribed guidelines in respect of revaluation. The same is contained in Ministry of Communication and I.Techology (Department of Posts) letter dated 02-08-2010 (Annexure A-8) which gives out the circumstances under which revaluation is sought for. These are as under:-

- (a) Where particular answer(s) was (were) not evaluated.
- (b) Where excess attempted answer(s) were not evaluated
- (c) Where for the same answer the examiner awarded marks to one candidate and to another candidate no marks were assigned or the answer struck off as wrong.
- (d) All the answers were evaluated but justified marks were not awarded by the examiner.

6. The Ministry has decided that while revaluation is permissible in respect of items (a) to (c) above, in so far as (d) is concerned, no revaluation could be possible. Thus, at least in respect of one of the answers no revaluation could be possible. As regards the availability of vacancies, the submission made by the counsel for the applicant had been endorsed.

7. Arguments were heard and documents perused. True, where justified marks have not been awarded, the same cannot be a ground for revaluation. In the instant case, there are three questions, for which, either correct marks have not been awarded or no mark has been awarded. Thus, it is to be seen

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whether the applicant is entitled to revaluation.

8. As regards 3(a) above is concerned, the same justifies revaluation as in the absence of the term, "roates" the other words make complete answer. However, it is at the discretion of the respondents that this aspect has to be seen. The first respondent shall examine the same and arrive at a conclusion in regard to revaluation.

9. As regards (b) above, the same squarely falls under clause 5(a) above. Hence, the same requires re valuation.

10. As regards (c) above, there appears substance in what the counsel argued. Clause 42 is no doubt the primary responsibility. That talks of "delivery of parcels and period of their detention at the office of delivery." whereas, Clause 182 is captioned "Responsibility of Post Office" and the precise question is "responsibility of Department". Here again, it is for the first respondent to consider and arrive at a just conclusion with regard to revaluation.

11. It is stated that out of 3 posts under the unreserved, only one post has been filled up. This means that even if the applicant had been granted some moderation, she would have, perhaps, been through in the examination. Thus, if the applicant is inducted, it would not compel the department to dislodge some one else.

12. Thus, the OA is partly allowed in that the matter is remitted to the respondents, with a direction to the first Respondent to consider the request of the applicant for revaluation of question No. 1(iv) of Paper I and answer to question No. XIII of paper III and arrive at a judicious conclusion whether the



answers should be revalued. His decision should be in the light of the discussion made above. As regards the third question, for which no marks were awarded, though the answer has been tickmarked as right, respondents shall award suitable marks.

13. If the CPMG arrives at a conclusion to re-evaluate the marks of the applicant and ultimately, the applicant is also through, nevertheless, her appointment would only be prospective and no advancement of seniority etc., would be permitted.

14. This order shall be complied with, within a period of three months from the date of communication of this order.

15. Under the above circumstances, there shall be no orders as to costs.



K. NOORJEHAN
ADMINISTRATIVE MEMBER



Dr K.B.S. RAJAN
JUDICIAL MEMBER

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