

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATE OF DECISION :

29.9.1989

P R E S E N T

HON'BLE SHRI S.P MUKERJI, VICE CHAIRMAN

&

HON'BLE SHRI A.V HARIDASAN, JUDICIAL MEMBER

ORIGINAL APPLICATION NO. 555/1989

D.V Mahesh

.. Applicant

v.

1. Union of India, Ministry of Personnel and Administration represented by its Secretary, Government of India, New Delhi.
2. Union Public Service Commission, New Delhi, represented by its Secretary .. Respondents

M/s. M.Lalitha Nair & S.M Prem

.. Counsel for the applicant

O R D E R

Shri S.P Mukerji, Vice-Chairman

In this application filed under Section 19 of the Administrative Tribunals Act, the applicant has prayed that the respondents 1 and 2 be directed to produce the applicant's answer papers in Geography I and Geography II of the Civil Services Examination, 1988 conducted by the Union Public Service Commission to be reassured that there is no accidental error in marking the scripts. He feels that on a modest assessment of his knowledge and qualifications, he was expecting 70% marks for these Papers and by no stretch of his imagination he should have got 42.6% marks in Geography papers. He has referred to the decision of the Principal Bench of the Tribunal in which one of us was a party, in which the answer papers were scrutinised.

2. We have heard the arguments of the learned counsel for the applicant at the admission stage and gone through the documents. The marks obtained by the applicant in different papers as given by him are as follows:-

| Subject | Marks | Percentage of marks obtained per paper | % of marks for the full paper |
|--------------------|---------|--|-------------------------------|
| General Studies I | 163/300 | 54.3% | 52.6% |
| General Studies II | 152/300 | 50.6% | |
| Geography I | 126/300 | 42% | 42.6% |
| Geography II | 130/300 | 43.3% | |
| Anthropology I | 171/300 | 57% | 53.3% |
| Anthropology II | 143/300 | 49.6% | |
| Interview | 140/250 | 56% | 56% |

In none of the papers the applicant has scored more than 57% marks. It is applicant's own self assessment that he deserved to get more than 70% marks in Geography papers. The learned counsel for the applicant argued that there may be some mistake in the totalling and marking of answers in Geography I paper. The learned counsel was fair enough to argue that what the applicant is praying is not revaluation and reassessment of the answers, but an assurance that there has not been any clerical or totalling mistake in the marking of his answers. The applicant has got 42% marks in Geography I paper and 43.3% marks in Geography II. There is no inconsistency in the marks obtained by the applicant in the two papers of the same subject. If there had been any clerical or totalling error in Geography I paper, the marks obtained by him in that paper would have been far less than those obtained by him in Geography II paper. Thus there is no *prima facie* case for us to go into the checking of the answer scripts. About one lakh candidates appear in the Civil Services Preliminary Examination every year, of whom about ten thousand qualify for admission to the Main Examination. Only a few hundreds

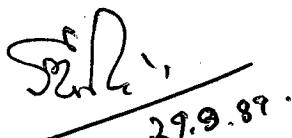
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are finally appointed. If on the basis of the candidates' own assessment of their merits, the marks obtained by them in the examination are challenged and the Tribunal is called upon to check the correctness of the marks, it will be an impossible task for the Tribunal to discharge. Since prima facie there is no ground for judicial intervention, as discussed above, we see no merit in the application and dismiss the same under Section 19(3) of the Administrative Tribunals Act.



(A.V. HARIDASAN)
JUDICIAL MEMBER


29.9.89

(S.P. MUKERJI)
VICE CHAIRMAN

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