

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 132/99

Thursday this the 19th day of July, 2001.

CORAM

HON'BLE MR. A.M.SIVADAS, JUDICIAL MEMBER
HON'BLE MR. G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

Asha Devi M.S.
W/o Vishnu Embrandhiri
Senior TOA, Office of the
Divisional Engineer
External Maintenance (North)
East Nadakkavu
Kozhikode-11
Neelamana, Arakkinar,
Calicut-28.

Applicant

[By advocate Mr.M.R.Rajendran Nair]

Versus

1. The Chief General Manager
Telecom, Kerala Circle
Trivandrum.
2. The Director General
Department of Telecom
New Delhi.
3. Union of India represented by
The Secretary
Ministry of Communications
New Delhi.
4. Bharath Sanchar Nigam Limited
represented by the Chief General Manager
Telecom Kerala Circle
Trivandrum.

Respondents

[By advocate Mr.George Joseph,ACGSC]

The application having been heard on 19th July, 2001,
the Tribunal on the same day delivered the following:

O R D E R


HON'BLE MR. A.M.SIVADAS, JUDICIAL MEMBER

Applicant seeks to quash A-5, to declare that she is
entitled to get moderation to the extent of 15 marks set apart
for question No.7 of the paper V, J.A.O. Part I Examination,
1995 and to direct the 2nd respondent to grant appropriate
moderation to her treating her as qualified in paper-V, J.A.O.
Part-I Examination, 1995.

2. The applicant is aggrieved by the refusal on the part of the 2nd respondent in considering her case for grant of moderation for Paper-V, J.A.O. Part I Examination, 1995 in view of the fact that the question No.7 of the said paper, carrying 15 marks was out of syllabus. Applicant expected a relaxation of marks for the question outside the syllabus. The Chandigarh Bench of this Tribunal in OA 1036/PB of 1996, 7/PB of 1997, 823/PB of 1996 and 227/CH of 1997 has directed that the answer sheets of the candidates who are applicants in those applications shall be reviewed/moderated by the Senior DDG (Finance). In this background the applicant submitted a representation to the 2nd respondent. A-5 the impugned order is the one passed by the 2nd respondent after considering her representation rejecting the same.

3. Respondents resist the OA contending that application of the Chandigarh Bench ruling is confined to the applicants in those OAs only. The grounds stated are not sustainable.

4. The applicant is placing reliance in the order in OA 1036/PB/96 and connected OAs before the Chandigarh Bench of this Tribunal. According to the applicant, on the basis of the said ruling, she is entitled to 15 marks for question No.7 since the same being out of syllabus. What is held in the said ruling is that "in such circumstances, the persons who have attempted more than six questions shall be given the advantage of highest marks of six questions which were required to be answered by him including compulsory one".

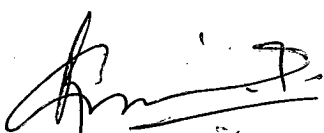


5. The answer paper of the applicant was made available for our perusal by the respondents in sealed cover and on going through the same, it is seen that the applicant has not attempted six questions. That being the position, the said ruling has no application to the facts of the case at hand. Applicant admittedly has got less than the minimum marks prescribed for being successful.

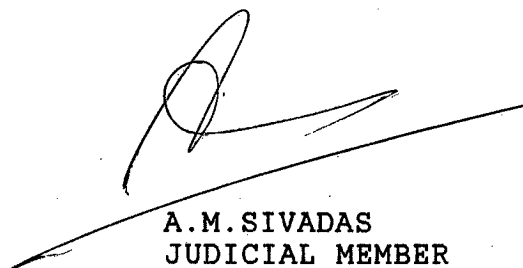
6. As per A-5 the request of the applicant for awarding 15 marks was turned down. In the light of what we have stated, we do not find any ground to interfere with A-5 the impugned order.

7. Accordingly the OA is dismissed.

Dated 19th July, 2001.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.M. SIVADAS
JUDICIAL MEMBER

aa.

Annexure referred to in this order:

A-5 True copy of the letter No.10/1/STA/47/98 dated 12.11.98 issued by the Deputy General Manager, Office of the 1st respondent.