

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 177/2007

Friday this the 24th day of August, 2007

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HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN
HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER

V.R.Anoop, aged 27 years,
S/o V.N.Ramachandran Nair, GDSMP/MC
Parur Market SO, Aluva Division,
residing at "Vazhapilly House"
Kunnukara PO, Aluva.

....Applicant

(By Advocate Mr. Shafik M.A)

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- 1 Union of India, represented by
Secretary, Department of Posts/
Director General Posts,
Ministry of Communications,
New Delhi.
- 2 The Senior Superintendent of Post Offices,
Aluva Division, Aluva.Respondents

(By Advocate Mr. P.Parameswaran Nair,ACGSC)

This application having been finally heard on 14.8.2007, the Tribunal on
24.8.2007 delivered the following:

ORDER

HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER

The applicant is presently working as Gramin Dak Sevak Mail
Packer/Mail Carrier (GDSMP/MC) of the Parur Market Sub Post Office at
North Parur. He was an aspirant for the post of Postman/Mail Guard. The
respondents vide Annexure.A2 notification dated 30.2.2006 invited
applications from candidates for selecting suitable candidates for the
aforesaid post. The applicant has also applied and thereafter appeared in

the test but he was not selected. According to the applicant, he performed well in the examination and he was hopeful of qualifying in the examination. However, when the result of the examination was declared vide order No.SB.52/2004 dated 29.6.2004, his name was not included in the list of qualified candidates. The applicant has, therefore, requested the respondents to intimate the marks secured by him in the various papers in the written examination. The respondents have furnished him the marks and it was found that for Paper 'A' – Postman Book Entries, he scored only 21 marks. The applicant was not satisfied with the marks awarded to him to the said paper. He produced a copy of the question paper and a specimen of the answer sheet (Annexure.A5). Thinking that it was a mistake in totalling, he requested for re-totalling of the marks and remitted Rs. 25/- towards the fee thereof. The respondents informed him that the requisite fee for re-totalling was Rs. 100/- and, therefore, he was asked to remit the balance amount of Rs. 75/-. However, the applicant did not pay the balance amount. Thereafter, the applicant vide Annexure.A6 letter dated 29.7.2006 requested the respondents to let him know the correct rules and methods followed in valuation of the Paper 'A' Postal Book Entry with detailed examples. The respondents vide Annexure.A7 dated 28.9.2007 have informed him that there are no guidelines for valuation of examination papers and the examiners are guided by the provisions contained in Rule 110 of the Postal Manual Vol.VI Part III 6th Edition. In the meantime candidates who have been declared as passed have been appointed as Postmen. Thereafter, the applicant sent the 2nd Annexure.A9 representation dated 1.2.2007 requesting the respondents to revalue his answer sheet in respect of Paper 'A' Postman Book Entries but the

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respondents vide Annexure.A1 letter dated 27.2.2007 rejected it on the ground that the same was not covered under the Rules. They have informed the applicant that as per the Department's D.O letter No.18-2/94-DE from AD General(DE) dated 13.6.04, there is provision only for re-totalling of marks after verification of the concerned answer books and there will be no revaluation of answer scripts. This O.A has been filed against the aforesaid A.1 letter.

2 The respondents in their reply have submitted that they have not refused re-totalling of the marks obtained by him, but it was not done in his case because he failed to pay the requisite fees for the same. They have also submitted that it was only the applicant's mere hope that he had performed well and qualified in the examination which has no relevance to facts. As there were more meritorious candidates than the applicant who were successful in the examination, he was not selected. He failed to obtain even the prescribed minimum marks in Paper 'A'. They have also relied upon the judgment in *Rajendra K.R.Pandey V. Union of India (1996) 34 ATC 380(Cal)CAT (FBJ) III 235* in which it was held that a candidate's belief that he had done well in the examinations is not a ground for judicial review and request for revaluation was not acceptable. They have also submitted that similar requests for revaluation has been rejected by this Tribunal in the order dated 3.11.2006 in OA 46/04 holding that the applicant therein had no indefeasible right to get his answers reevaluated."

3 In the above circumstances, on our direction, the respondents produced the relevant answer sheets of the applicant and other candidates who appeared in the said examination for the post of Postman. We have perused the same. We have also heard Shri.Shafik M.A for the applicant

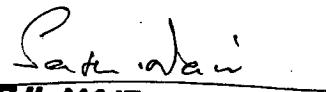
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and Mr. Vijayakumar for the respondents. We have compared the answer sheet of the applicant in Paper 'A' with those of the successful candidates. There are considerable differences in the answers given by the applicant and others. Qualitatively also, the answers given by the successful candidates were superior in nature. The examiner awarded marks to each answers depending upon its wholesomeness. In many of the answers of the applicant, some components or the other were missing. Wherever the answers were identical, there were hardly any deviations in marking. We, therefore, do not find any infirmity with the marks awarded to the applicant by the valuer for different answers in the Paper 'A' examiantion. The applicant's hope and wish do not match with his actual performance. We can only say "if wishes are horses, beggars would ride". This O.A is devoid of any merit and, therefore, the same is dismissed. No order as to costs.

Dated this the 24th day of August, 2007


GEORGE PARACKEN
JUDICIAL MEMBER

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SATHI NAIR
VICE CHAIRMAN