

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 178 of 2011

Thursday, this the 31st day of March, 2011

CORAM:

Hon'ble Mr. Justice P.R. Raman, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member

Treesa Irish, W/o. Milton Lopez, aged 52 years,
Postman Ernakulam North Post Office,
Kochi-682018, residing at Kadvanthraparambil,
Vallarpadom, Kochi-682023.

Applicant

(By Advocate – Mr. M.R. Hariraj)

V e r s u s

1. Union of India, represented by the Secretary to Government of India, Department of Posts, New Delhi.
2. Chief Post Master General, Kerala Circle, Trivandrum.
3. Senior Superintendent of Post Offices, Ernakulam Postal Division, Ernakulam-682011.

Respondents

(By Advocate – Mr. Varghese P. Thomas, ACGSC)

This application having been heard on 7.3.2011, the Tribunal on 31-03-11 delivered the following:

ORDER

HON'BLE Mr. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER

This O.A has been filed by the applicant for a direction to the respondents to revalue the answer scripts of the applicant and award full marks to questions 2, 3, 4, 5A and 5B of Paper (iii) of Lower Grade Officer



(LGO) Examination held on 24.04.2005.

2. The applicant had appeared for the aforesaid examination. She had approached this Tribunal in O.A. No. 741/2005 for the detailed mark list. Later she approached the Hon'ble High Court of Kerala in Writ Petition No. 6532/2006 to get a copy of her answer script in paper (iii) of the said examination and as directed by Hon'ble High Court, she was supplied with a copy of the same. Aggrieved by the marks awarded to the answers to question 2, 3, 4, 5A and 5B of Paper (iii) in the aforesaid examination, she has filed this O.A.

3. The applicant contends that she ought to have been given 10 marks to the answer to question No. 2 instead of 7.5. To the answer to question No. 3, she was awarded 4 marks out of 10, although her answer is fully correct. The denial of full marks for correct answers has resulted the applicant being denied the promotion which she ought to have got. The refusal to follow the prevalent practice of evaluation only in the case of the applicant is unjust, arbitrary and discriminatory.

4. We have heard Mr. M.R. Hariraj, learned counsel for the applicant and Mr. Varghese P.Thomas, learned counsel for the respondents and perused the records.

5. The contention of the applicant is that she has been awarded less marks than the marks which should have been granted for the correct answers to the questions 2, 3, 4, 5A and 5B of Paper (iii) in the

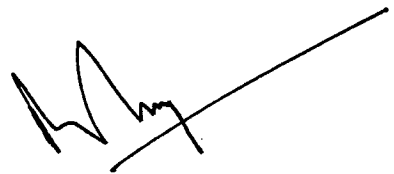


examination held on 24.04.2005. The examination of the answer scripts show that the above mentioned questions are not objective type questions which can be answered accurately in one word. The answers being essay type, it is possible that the valuation may differ from examiner to examiner. Even if the same answer script is valued by the same examiner at different points of time, it is possible that different marks may be awarded. The examination may not have been conducted in a full-proof manner. No answer keys were provided to the examiners for uniform evaluation of answer scripts. Even then, there is no scope for a judicial review for the correctness of the marks awarded to the answers to questions which are essay type. If the answers were to be given in a word, it would have been possible to say that all candidates should be given "full marks" or "no marks", as the case may be. The question of subjectivity does not arise if the questions are objective type. In essay type answers, the valuation would necessarily be subjective. It is not possible to substitute the valuation made by the examiner by any other valuation. There is just no scope for any judicial review.

6. In the result, the O.A is dismissed with no order as to costs.



(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER



(JUSTICE P.R. RAMAN)
JUDICIAL MEMBER