

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO.245 OF 2011

Thursday, this the 23rd day of February, 2012

CORAM:

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

M Jayaprakasan, Aged 34 years
S/o.Gopalakrishnan Nair, GDS MP
Kaniyarkode P.O
Thrissur – 680 594
residing at "Maniyanghate House"
Kaniyarkode P.O
Thrissur – 680 594

Applicant

(By Advocate – Mr.Shafik M.A)

Versus

1. Union of India, represented by
The Chief Postmaster General
Kerala Circle, Trivandrum
2. The Senior Superintendent of Post Offices
Thrissur Division, Thrissur

Respondents

(By Advocate – Ms.Deepthi Mary Varghese, ACGSC)

The application having been heard on 15.02.2012, the Tribunal on 23.02.2012 delivered the following:

ORDER**HON'BLE Ms. K. NOORJEHAN, ADMINISTRATIVE MEMBER**

1. The applicant has filed this O.A with a prayer to direct the respondents to revalue paper A(i) in the examination held for promotion to the post of Postman.
2. The applicant took part in the Departmental Examination conducted on 29.08.2010 for promotion to the post of Postman but his name did not figure in the select list. The last candidate who was selected in the general quota secured 142 marks while the total marks of the applicant came to 129. He got 45/50 for paper B (Mathematics), 25/25 for Malayalam Dictation and 22/25 marks for English Dictation. However, he was awarded only 37/50 for paper A (i). He obtained copies of his answer sheets through RTI Act and found that though he had written correct answers, marks are not awarded for individual answers. According to him, had his paper been evaluated properly he might have scored 140 marks instead of 129. The applicant states that in O.A Nos.413/2010, 756/2010, 459/2010 and 512/2010 the respondents themselves have revalued the answer sheets and have found that the applicants therein are to be granted more marks than what was actually given and have given appointments to the applicants therein. In O.A 95/95, this Tribunal has called for the answer sheets of the applicant therein and conducted revaluation and considered the applicant for the selection on the basis of the marks so obtained. Therefore, the applicant avers that the refusal of the respondents to revalue paper A(i) and to declare the applicant as passed, is highly irregular, illegal and arbitrary and is to be interfered by this Tribunal in the interest of justice.



3. The respondents have contested the Original Application and filed reply statement. They submitted that after transferring the unfilled departmental quota vacancies to direct recruitment quota from GDS, 12 vacancies were notified including one sports quota vacancy. 11 vacancies under UR and O.B.C quota stand filled up. As far as the sports quota vacancy is concerned, further orders are awaited from the first respondent. They submitted that the question in paper A(i) which relates to making entires in Postman Book, is considered as a single question as per the Annexure A-2 question paper and separate marks are not awarded for each entry. The applicant was awarded 37/50. Respondents quoted the provision under Rule 15 -Appendix – 37 of Postal Manual Volume -IV as under:-

“ Revaluation of answer script is not permissible in any case or under any circumstances. Thus it is not permissible to consider requests of candidates for revaluation after declaration of results as it will not only cause great inconvenience to the examination process and also cause hindrance to the administration in the absence of vacancies of particular category viz; OC, SC, ST etc under department quota but also be against the spirit of ibid Rule.

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4. Later on, in view of the larger number of representation received requesting for revaluation of answer papers certain amendment has been made in the above mentioned provision. According to that under the circumstances noted below revaluation can be got done by an independent examiner.

- “ (i) Particular answer(s) were not evaluated
- (ii) Excess attempted answer(s) were not evaluated
- (iii) For the same answer(s), the examiner awarded marks to one candidate and to another candidate no marks were assigned or the answer struck off as wrong.



(iv) All the answers were evaluated but justified marks were not awarded by the examiner.

In so far as the issue indicated at (iv) above there is no need to consider such requests and merits rejection at the initial stage itself.

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5. In respect of the orders in O.A 413/10 and 756/10 the grievances of the applicant fell under clause I supra that the particular answers were not valued. The applicant's grievance in this O.A is not identical to the grievance of the applicants in the above mentioned O.As. As far as 459/10 and 512/10 are concerned the respondents revalued answer sheets of paper book I in compliance with the order of this Tribunal. In view of the observations made by this Tribunal in O.A 736/09 the respondents circulated Annexure R-2 guidelines on making entries in paper A(i) to all candidates well before the date of examination. Therefore, the grievance raised by the applicant for revaluation does not come under i to iii of the clause supra in Annexure A-4 but under clause iv which reads as " All the answers were evaluated but justified marks were not awarded by the examiner". The applicant has not made the postman book entries in the order as noted in the R-2 guidelines. Moreover, there is a mistake in the summary prepared by the applicant. He has shown the total cash returned as Rs.5360/- while the correct figure is Rs.4850/-.

6. The respondents relied on the judgment of the Apex Court in the case of Rajendra Pande Vs. Union of India (1996 34 ATC 380 (A) (cal)) to show that the applicant's contention that he performed well in the examination is solely based on his belief and this cannot be a ground for judicial review.

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7. Heard the counsels for the parties and perused the records.

8. A perusal of the copy of the answer sheets obtained through RTI at Annexure A-3 shows that certain mistakes as pointed out by the respondents have been committed by the applicant. When H.V M.O No.B 7130 could not be delivered, the remarks is made correctly as absent, while the remarks, "intimation served" is not shown. According to the respondents summary also is not seen to be struck properly as the columns as given in the circular are not adhered to. The summary is to start with the number of articles entrusted, cash entrusted, number paid/delivered, number returned and cash realised/returned. The value of Money orders returned is entered under the heading V.P parcel. The amount returned is also not shown under the relevant columns. Therefore, there is force in the plea of the respondents that the applicant cannot take up the contention that justified marks have not been awarded and as per Rule 15 of appendix 35 of Postman Vol IV, a revaluation under such circumstances fall in under clause IV which is not permissible. The respondents have also pointed out that there are officials who got more marks than the applicant after the cut off mark of 140 for the UR category.

9. In view of the foregoing, the applicant has failed to make out a case in his favour. The Original Application lacking in merit is dismissed. No costs.

(Dated, this the 23rd day of February, 2012.)


K. NOORJEHAN
ADMINISTRATIVE MEMBER
SV


DR.K.B.S RAJAN
JUDICIAL MEMBER