

Central Administrative Tribunal , Lucknow Bench,

Lucknow

O.A. No. 112/2007

this the 29<sup>th</sup> day of March, 2007

CORUM:-

Hon'ble Shri A.K. Singh, Member (A)

Hon'ble Shri M. Kanthaiah, Member (J)

1. Amit Verma aged about 30 years son of Dr. Deepak Krishna Verma resident of 8/307, Indira Nagar, Lucknow

..Applicant

By Advocate: Shri D.P. Srivastava and Sri Raj Singh

Versus

Union Public Service Commission, Dholpur House,  
Shahjahan Road, New Delhi, through its Secretary

..Respondents

By Advocate: Shri Prashant Kumar Srivastava B/h for  
Sri A.K. Chaturvedi

**ORDER (ORAL)**

**By Hon'ble Shri A.K. Singh, Member (A)**

O.A. bearing number 112/2007 has been filed by the applicant Sri Amit Verma ( of the address given in the O.A.) against his non- selection for interview/personality test as per Civil Services main examination 2006, the result of which were declared on 14.3.2007. The applicant submits that he passed the High School examination in the year 1992 of Indian Certificate of Secondary Education Board, New Delhi from City Montessori School, Lucknow by obtaining 79.2% marks. He also passed the Intermediate

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- 2 -

Examination of I.S.C. Board, New Delhi from City Montessori School, Lucknow in the year 1994 by securing 69.5% marks. He also passed the B.Sc examination from Lucknow University in the 1<sup>st</sup> Division in the year 1998 and obtained 62.2% marks of the aforesaid examination. He has also been awarded a certificate in National Graduate Physics Examination -1997 for having been placed in the Top 10 in Part A of the examination. The applicant submits that he is also obtained M.B.A. degree in the year 2001 in the 1<sup>st</sup> Division from Mumbai University. The applicant submits that he performed well in all the papers of the Civil Services (Main) Examination, 2006 and there is absolutely no reason why he should have failed in the aforesaid written Main Examination, 2006 conducted by the Union Public Service Commission Dholpur House, New Delhi. The applicant apprehends that some of the answer sheets of the papers must have gone without check or some thing unusual must have happened in the matter as a result of which, he could not qualify in the aforesaid examination. On the basis of the above, applicant seeks the following reliefs:-

- i) To direct the respondents to re-examine /re-check or re-calculate the marks obtained by the applicant;
- ii) To pass such other orders which are found just fit and proper under the circumstances of the case

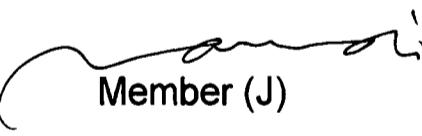
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iii) To allow the Original Application with cost

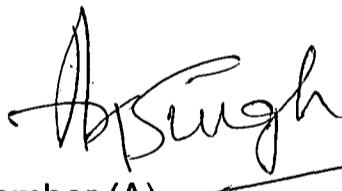
2. Shri Prashant Kumar brief holder of Sri A.K. Chaturvedi official counsel of the Union Public Service Commission, opposes the O.A. on behalf of the respondents. He submits that no acceptable or reliable evidence has been brought by the applicant on record in support of his averment. The basis on which the present O.A. has been filed with this Tribunal has also not been spelt out in the O.A. He also submits that the O.A. is pre-mature in as much as a representation has already been filed by the applicant before the competent authority i.e. U.P.S.C. on 19.3.2007. The applicant should have waited for an outcome of the decision of respondents on the said representation instead he has hastened to file this O.A. on 23.3.2007.

3. We have considered the matter. We have also noted that the personality test on the basis of the aforesaid Civil Services Examination, is likely to commence from 2<sup>nd</sup> April, 2007. We also find that this is the first time that such a petition has been filed before the Tribunal. Since human errors or mistakes in the conduct of such examinations cannot be ruled out, it would be only appropriate for this Court to direct the respondents to have another look at calculation of marks obtained by the applicant on the answer sheets. The applicant has

already filed a representation in this regard on 19<sup>th</sup> March, 2007 which should be considered by the authorities and disposed of as per rules. Tribunal has no power to re-examine the answer books of the examinees appearing at the aforesaid examination. UPSC is an expert body which is vested with the authority to do so, <sup>in</sup> case they notice any lapse or irregularity in the matter. Respondents i.e. UPSC are accordingly directed to examine the grievance of the applicant as per his representation dated 19.3.2007 and to decide the same within a maximum period of 15 days w.e.f. the date of receipt of certified copy of the order and to inform the applicant accordingly. Parties to bear their own cost. O.A. is disposed of in the above manner.

  
Member (J)

HLS/-

  
Member (A)