

**CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW.**

Original Application No. 173 of 2007

Reserved on 23.7.2015

Pronounced on 30 July, 2015

**Hon'ble Mr. Navneet Kumar, Member-J
Hon'ble Ms. Jayati Chandra, Member-A**

Amit Verma, aged about 30 years, S/o Dr. Deepak Krishna Verma, R/o 8/307 Indira Nagar, Lucknow.

.....Applicants

By Advocate : Sri Shireesh Kumar

Versus.

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

.....Respondent.

By Advocate : Sri Kaushik Chatterji for Sri G.K. Singh

O R D E R

By Ms. Jayati Chandra, Member(A)

The applicant is aggrieved by his non-selection in Civil Services Examination-2006, the result of which has been declared on 14.3.2007. He had earlier filed O.A. no. 112 of 2007 in which a direction was issued to the respondent i.e. Union Public Service Commission (UPSC) to examine the grievance of the applicant as per his representation dated 19.3.2007 and decide the same by means of judgment and order dated 29.3.2007. Accordingly, the respondents have passed the order dated 13.4.2007 in which following order has been passed:

3. Your representation has been examined in terms of the principles/guidelines framed by the Commission and it is informed that there is no provision for revaluation of answer book. Your answer books in respect of paper of Public Administration I & II, Philosophy Paper I & II, General Studies Paper I & II and Essay of the written part of the Civil Services (Main) Examination, 2006 have been again scrutinized with reference to the following aspects and no mistake/error has been noticed.

- (i) No part of any answer has been left unvalued.
- (ii) There is no totaling error.
- (iii) There is no coding/de-coding error.
- (iv) All answer-books used are intact.
- (v) There is no error any other kind."

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2. The applicant has now filed the present O.A. with following relief(s):-

- (i) *This Hon'ble Tribunal may kindly be pleased to direct the respondent to produce the entire relevant record pertaining to the applicant before this Hon'ble Court alongwith some responsible officers to explain.*
- (ii) *This Hon'ble Tribunal may kindly be pleased to direct the respondents to produce the marks obtained by the applicant in all papers and also be pleased to direct the respondents to inform the marks obtained by the successful candidates.*
- (iii) *This Hon'ble Tribunal may kindly be pleased to direct the respondents to include the applicant in process of selection of holding interview and thereafter declare the result of the applicant by placing him in the merit list at the appropriate place without any further delay.*
- (iv) *This Hon'ble Tribunal may also be pleased to pass such other orders which are found just fit and proper under the circumstances of the case.*
- (v) *To allow the Original Application with costs."*

3. The case of the applicant is that UPSC is not above committing certain human errors as is evident from the case of one Sri Ashutosh Agnihotri was examined even after declaration of final result and on rechecking; he was allowed 100 additional marks. More-over in the year 2005 in the final result, there was re-calculation in the quota of SC/ST, which was corrected by the Commission even after declaration of final result. The applicant has performed very well in Public Administration I & II, Philosophy Paper I & II, General Studies Paper I & II and Essay of the written part of the Civil Services (Main) Examination, 2006. As he was not declared pass in main written examination, he submitted a representation on 16.3.2007 requesting for re-calculation of marks and revaluation of answer-sheet in the above mentioned papers. But by means of the order dated 13.4.2007, the respondents have summarily dismissed his case without awarding him the marks that he desired by virtue of his performance in the written test.

4. The respondent has contested the claim of the applicant through his Counter Reply in which he has stated that under the provisions of Civil Services Examination Rules, there is no provision for re-evaluation of answer books or showing the answering book to the individual with reference to the aspects already conveyed in the order dated 13.4.2007 and no

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mistake/error had been detected. The Hon'ble High Court of Orissa in the case of **Umakant Nayak Vs. Union of India & Others** (Writ petition No. 1079 of 2002) vide its judgment and order dated 28.3.2006 has held as under:-

"The Written examination in which the petitioner appeared was not an examination conducted by any examining authorities like Board of Universities for award of a certificate or degree but for selection to a service under the Government of India. Secondly, in absence of any provision for re-evaluation of answers under the rules, no candidate in an examination has a right to claim or ask for re-evaluation and as such the prayer made in the Writ petition is not tenable in law in view of settled preposition of law laid down by Apex Court in the case of Pramod Kumar Srivastava Vs. Bihar Public Service Commission, Patna & others (2004) 6 SCC 714."

In the case of **Maharastra Board of Secondary and Higher Secondary Education & Another Vs. Paritosh Bhupesh Kumar Sheth (1985) ISCR 29** the Hon'ble Supreme Court has observed as under:-

"..... The principles of natural justice cannot be extended beyond reasonable and rational limits and cannot be carried into such absurd lengths as to make it necessary that candidates who have taken a public examination should be allowed to participate in the process of evaluation of their performances or to verify the correctness of the evaluation made by the examiners by themselves conducting an inspection of the answer books and determining whether there has been a proper and fair valuation of the answers by the examiners."

Since the applicant has received less marks and as such he could not meet the minimum requirement for being called for in the Civil Services interview.

5. In the Rejoinder, the applicant has denied the contentions of the respondents made in the Counter Reply and reiterated the averments made in the Original Application.

6. We have heard the learned counsel for the parties and have also perused the pleadings available on record.

7. The applicant has prayed for production of entire relevant records before this Tribunal for re-assessment of his papers to such an action is tantamount to this court seeking to substituting its own evaluation of the merit of a candidate for the

assessment made by a duly constituted expert body. In **National Institute for Mental Health & Neuro Sciences Vs. K. Kalyana Raman reported in 1992 Supp (2) SCC 481** the Hon'ble Supreme Court has held that the Court should be slow to interfere with the opinion/assessment of an expert committee. In **B.R. Bapuji (Dr.) N.Sivaramamurthy, Registrar, Telugu University, 1994 II LLJ 650 (A.P.)** the Hon'ble Supreme Court has again opined that the Court will not assess the relative merits of candidates. Further reliance is placed on the cases cited by the respondents. The respondents have clearly stated that they have scrutinized the papers with reference to the aspects mentioned in the letter dated 13.4.2007 and no mistake/error has been detected. The applicant has not averred any glaring abuse of the selection process or any illegality with the conducting of the examination. He has merely disagreed with the assessment made of his performance with the marks which were actually allotted to him. Further, he has not produced any rule or regulation which entitles him to the benefit of re-evaluation of the answer-sheet. Apart from that, re-calculation of any additional mistake, omission etc. there is no provision for the same. Thus, the applicant has failed to make out any case for interference of this Tribunal.

8. In view of the above, O.A. fails and is accordingly dismissed. No costs.

T. Chandra
 (Ms. Jayati Chandra)
 Member-A
 Girish/-

VR. Agarwal
 (Navneet Kumar)
 Member-J