

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH AT NAGPUR
CAMP : NAGPUR
O.A. No. 411 of 1989

(23)

Present : Hon'ble Mr. A.P.Bhattacharya, Judicial Member
Hon'ble Mr. P.S.Chaudhuri, Administrative Member

BHAGWAN A. DESHMUKH

VS

UNION OF INDIA & ORS

For the applicant : Mr. V.G.Wankhede, advocate

For the respondents : Mr. Ramesh Darda, advocate

Heard on : 16.1.1990 : Order on : 18.1.1990

ORDER

A.P.Bhattacharya, J.M.:

This application under section 19 of the Administrative Tribunals Act, 1985, has been filed by Shri B. A. Deshmukh against the Union of India, represented by the Director General, Deptt. of Posts.

2. The applicant is an Assistant in the office of the Sr. Superintendent of Post Offices, Akola. He appeared in the examination held in September 1988 for promotion to the post of Inspector of Post Offices. He contends that he answered all the five papers in the said examination and did well. When a list of successful candidates was published, his name was not there. He applied for intimating him the marks obtained by him. From the reply given to him he came to know that in Paper III he secured only 55. Then he applied for re-totalling and verification of marks in Paper III and Paper IV. In reply to that the marks secured by him, which were intimated to him earlier, were confirmed. The applicant contends that valuation of the answers given by him was not properly done. It is also his contention that the said valuation

of the answer scripts of the candidates appearing in the examination for promotion to the post of Inspector of Post Offices had not been carried out by a Senior Class I officer. In filing the application, the applicant has prayed for re-valuation of his answer scripts of paper III by this Tribunal and after such re-valuation for declaring him successful in the aforesaid examination.

3. The application has been contested by the respondents by filing a short reply to the points raised by the applicant.

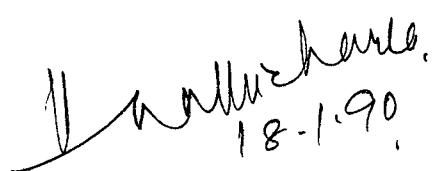
4. On a consideration of the facts and circumstances of the case and the law on the point, we are constrained to hold that the application is wholly misconceived and as such it is not at all fit for adjudication by this Tribunal. Admittedly, the applicant appeared in the examination held in September, 1988 for promotion to the post of Inspector of Post Offices. It is also admitted that he appeared and answered all the five papers in the said examination. In the list of successful candidates the applicant's name did not find place. Being aggrieved by that he made a prayer to the competent authority for communication of the marks obtained by him. In reply to that a letter as shown in Annexure-2 was given from which we get that he secured only 41 in Paper No. II, 55 in Paper No. III and 51 in Paper No. V. He secured 83 in Paper No. I and 76 in Paper No. IV. Thereafter, he applied for re-totalling and verification of marks. In reply to that, the letter in Annexure-3 was given by which the marks obtained by him in Paper Nos. III and V were confirmed. Now the applicant wants a re-valuation of his answer scripts. From rule 15 of the Rules relating to Departmental Examinations incorporated in Vol. IV of Posts & Telegraphs Manual, we find that re-valuation of answer scripts is not permissible in any case or under any circumstances. The applicant desires that such re-valuation of his answer scripts should be made by this Tribunal. We are unable to accept his

contention. We have already mentioned that in view of his desire for re-totalling and verification of the answers written by him, action was taken and it was found that such was done properly and it was confirmed that the marks of 55 and 51 in his answers to Papers III and V respectively were

properly ~~done~~ ^{given}. Annexure-3 shows that in reply to his such request, it was mentioned that each question attempted by him had been duly assessed by the examiner. After that, we do not find that the applicant can have any justiciable grievance.

In his application he has mentioned that valuation of his answer ~~was~~ ^{script} was not done by an examiner belonging to the rank of Senior Class I Officer. We do not find that the applicant's such contention is borne out by any rule. We are of opinion that the demand of the applicant is a common demand of all unsuccessful candidates ~~at~~ of an examination and as such, such a demand is not fit for adjudication by this Tribunal. In that view of the matter, we dismiss this application summarily.


(P.S.CHAUDHURI)
ADMINISTRATIVE MEMBER
18.1.90


(A.P.BHATTACHARYA)
JUDICIAL MEMBER
18.1.90