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REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

APPLICATION No. 238/87

(WP.NO.)

COMMERCIAL COMPLEX, (BDA)
INDIRANAGAR,
BANGALORE-560 038.

DATED: 9-6-87

APPLICANT

Vs

RESPONDENTS

Shri Mohd Sheriff
TO

The DG, Dept of Posts, New Delhi & another

1. Shri Mohd Sheriff
Postal Assistant
Head Office
Shimoga
2. Shri M. Raghavendra Achar
Advocate
1074-1075, Banashankari I Stage
Sreenivasanagar II Phase
Bangalore - 560 050

3. The Director General
Department of Posts
New Delhi - 110 001
4. The Post Master General
Karnataka Circle
Bangalore - 560 001
5. Shri M. Vasudeva Rao
Addl Central Govt. Stng Counsel
High Court Buildings
Bangalore - 560 001

SUBJECT: SENDING COPIES OF ORDER PASSED BY THE
BENCH IN APPLICATION NO. 238/87

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Please find enclosed herewith the copy of the Order
passed by this Tribunal in the above said Application on
3-6-87.

ENCL: As above.

for DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE 3RD JUNE, 1987

Present: Hon'ble Shri Justice K.S. Puttaswamy .. Vice-Chairman
Hon'ble Shri P. Srinivasan .. Member (A)

APPLICATION NO. 238/87

Mohd. Sheriff
S/o Sri Budan Sab,
Accountant, P&T Quarters,
Holalkere Range,
Shimoga District.

.. Applicant

(Shri M.R. Achar, Advocate)

VS

1. The Director General
Department of Posts,
New Delhi-110001.
2. The Post Master General,
Karnataka Circle,
Bangalore-1.

.. Respondents

(Sri M. Vasudev Rao, Advocate)

This application came up for hearing before this
Tribunal today. Hon'ble Sri P. Srinivasan Member (A) made
the following:

ORDER

This is an application under Section 19 of the
Administrative Tribunals Act, 1985. The applicant is
working as a Postal Assistant under the Postmaster General,
Karnataka Circle, Bangalore. The next promotion for a Postal
Assistant is to the post of Inspector of Post offices (IPO)
or Inspector of Railway Mail Services (IRM) and for this
promotion, periodically competitive examinations are held
in which all postal Assistants are allowed to appear.

There are 3 centres for the examination in Karnataka and



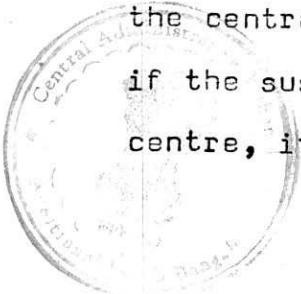
P. S. W. ..2/-

Shimoga is one of them. The applicant took the examination in the Shimoga Centre. There are in all five papers to be taken as part of this examination. The applicant took the examination in papers 1, 2 and 3. It was discovered that the question papers 4 and 5 arrived in Shimoga Centre in a damaged condition. The applicant and others who were appearing for the examination at Shimoga did not take papers 4 and 5 because they suspected foul play. Thereafter, on their representation, respondent No.2 decided to hold a fresh examination in papers 4 and 5 for the Shimoga Centre alone. The applicant's grievance is that the entire examination in all the papers should have been held again in all the centres.

2. Shri M.R.Achar, learned counsel for the applicant reiterates the contentions raised in the application and contends that examination in all the papers should have been re-held in all the centres.

3. Shri M.Vasudeva Rao, learned counsel for the respondents says that since only papers 4 and 5 were found damaged and that too only in Shimoga Centre, the respondents rightly decided to hold a fresh examination in respect of those papers in Shimoga Centre alone. He therefore pleaded that the case of the applicant should be dismissed.

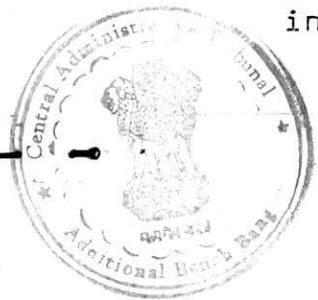
4. Having heard both counsel, we are of the view that the examination in papers 4 and 5 should be held in all the centres and not only in Shimoga centre. First of all, if the suspicion was that the papers had leaked in Shimoga centre, it is quite possible that the leakage had spread



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to the other centres also because of the rapid means of communication available now. Secondly, if a fresh examination is held in papers 4 and 5 in Shimoga alone, the question paper is bound to be different and a comparison between persons who take these newly set papers with others who had answered a different set of papers would not be a fair comparison. For a fair competition, all candidates should be set the same questions to answer. This being so, we are of the view that the examination in respect of papers 4 and 5 which is due to be held later this month should be held in all the centres and for all the candidates in karnataka circle to ensure fairness. We therefore direct respondent No.2 to hold a fresh examination in papers 4 and 5 in all the three centres of the Karnataka Circle.

5. In the result, the application is partly allowed as indicated above. Parties to bear their own costs.



Sd/-

VICE CHAIRMAN

Sd/-

MEMBER (A)

- True copy

P. Chy 9/6/87
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE