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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

CONTEMPT PETITION NO.68/97

IN

ORIGINAL APPLICATION NO.465/93

DATE OF ORDER : 27-11-1997.

Between :-

P.Rosaiah

... Applicant

And

1. Sri N.C.Ramanjaneyacharyulu
Superintendent of Post Offices,
Tenali Division, Tenali-522 201.

... Respondents

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Counsel for the Applicant : Shri P.Naveen Rao

Counsel for the Respondents : Shri N.V.Raghava Reddy, Addl.CGSC

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CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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Heard Sri Phaniraj for Sri P.Naveen Rao, counsel for applicant and Sri N.M.Raghava Reddy, standing counsel for the respondents.

2. The OA 465/93 was disposed of by order dt.14-11-1996. As per the directions in the judgement a review examination has to be conducted for the applicant and the applicant should be permitted write that review examination. No doubt that review examination ^{was to} ~~will~~ be of ~~that~~ similar standard as that of the examination held on 7-2-93. It is now stated for the applicant that the question paper for the review examination was in English instead of Telugu. The question paper for the examination held on 7-2-93 was in Telugu.

^{He learned} Hence, counsel for the applicant submits that the equal standard ~~has not been maintained~~ in the review examination. The second contention of the applicant is that in Part-B paper, the Arithmetic paper, the applicant could not have got '0' marks as he has done the examination well. Hence he submits that the review examination was not conducted in accordance with the directions in the O.A. and hence the respondents have committed contempt of Tribunal's orders.

3. A reply has been filed in the C.P. From the reply it is seen that the review examination was conducted on 9-2-97 and the applicant no doubt was given a question paper in English. But the applicant should be able to understand the questions as he is a matriculate and he could have answered the paper either in English or in Telugu. There was no bar for writing the answers in Telugu.

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The applicant has not made any objection at the time of writing the examination and he has also not objected till the results were announced. As he has failed in the examination, he is now raising this objection. The counsel for the respondents submits that the answer paper was valued correctly and all the answers ^{were} valued ^{correctly} and the applicant got only '0' marks in part-B paper. Hence the applicant failed to obtain the minimum marks for considering him for the post of Postman.

4. ^{doubt, during the arguments} No ~~time~~ it was brought to the notice of the Tribunal that the previous examination question paper was in Telugu and hence the review examination question paper should also be in Telegu. If that point was brought to the notice of the Tribunal, while passing the order in O.A. itself, the Tribunal could have given a specific direction to the respondents to issue question paper in Telegu for the review examination. The only point that was brought to the notice of the Tribunal is that the standard in both the examinations should be equal. The C.P. now does not point out that the standard was different in the ^{question} paper. Hence even ^{if} the question paper ^{was} given in English ⁱⁿ so far it adheres to the standard of examination held on 7-2-93, the mere issue of question paper in English is not a reason for filing contempt petition. Any candidate will definitely say that he has done the examination very well. We do not think that it is necessary for us to examine the answer papers to come to the conclusion ~~that~~ whether the applicant has ^{scored} ~~received~~ '0' marks when the counsel for the respondents says that all the questions in all the papers ^{were valued} ~~were~~ ^{hence} correctly, there is nothing to suspect the above submissions.

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G.A.
27/11/97

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :
M (J)

Dated: 27/11/97

~~ORDER/JUDGMENT~~

~~M.A./R.A./C.A.~~ NO. 68/97

in

O.A. NO. 465/93

Admitted and Interim Directions
Issued.

Allowed CP closed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

LKR

II Court

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

प्रेषण/DESPATCH

- 2 DEC 1997

हैदराबाद शाखापीठ
HYDERABAD BENCH