

(53)

In THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.288/96

decided : 12-8-96

Between

P.V.K. Rajasekhar

: Applicant

and

1. Union of India, rep. by
its Secretary
Ministry of Home Affairs
Dept. of Personnel & Training
New Delhi

2. Union Public Service Commission
Dhulipur House, Shahjahan Road
New Delhi, rep. by its Secretary

: Respondents

Counsel for the applicant

: N. Rama Mohan Rao
Advocate

Counsel for the respondents

: V. Rajeswara Rao
SC for Central Govt.

CORAM

HON. MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN *MR*

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.) *MR*

Judgement

Order (per Hon. Mr. H. Rajendra Prasad, Member (Admn.))

The applicant was a candidate at the Civil Services Examination, 1994, conducted by the UPSC. He cleared the Preliminary test in connection with the [REDACTED] examination and was duly allowed to appear at the Mains. He was not, however, called up for the viva-voce test subsequently although, according to his belief, he fully deserved to be so called on the basis of his good performance at the Mains examination.

2. When the case came up for hearing, a request was made on behalf of the applicant that the matter be taken up later in the day since the learned counsel, Sri Ram Mohan Rao, was unable to be present. The request was considered but could not be acceded to because more pressing matters had already been fixed for hearing in the afternoon. Moreover, an officer of the UPSC, Mr. Narinder Singh, Joint Director, was present in the Court with the necessary record as ordered earlier by this Tribunal, and it was necessary that he return early to Headquarters. The facts were, therefore, examined with the help of the pleas available on record. Sri Raghu Kumar was also heard for Shri Rama Mohan Rao, on behalf of the applicant.

3. The grievance and the claims of the applicant are based on the following arguments :

- a) He had been a candidate at the same examination in 1993 as well, and he had been duly called to face the viva-voce test on that occasion, although, according to him, he had not prepared as methodically for that examination as he had done now for the 1994 Examination.
- b) The marks scored by him in some of the subjects were seen to have been higher in the earlier examination

than what had been awarded to him in the same subjects at this latter examination. This, according to his belief, is illogical since no decline in standards could possibly occur in a successive year in the same candidate in the same subjects.

- c) It was the view of certain academicians and outside scholars, with whom he reviewed his own performance soon after the examination, that he deserved a definitely higher ranking in the Mains examination than what had eventually been given him.
- d) He had secured higher marks in the same subjects in another examination conducted by the APPSC in the same year. Based on the above pleadings, the applicant prays that his answer-scripts be scrutinised by this Tribunal with a view to determining as to whether or not the valuation and the marking given to him was fair and adequate.

4. The respondent has filed an elaborately argued counter-affidavit, in which they make, inter alia, the following points:

- i) No candidate may legitimately make a self-assessment of his own performance in a public examination;
- ii) The rating and valuation of the answer-scripts by the approved examiners, who are chosen with care for their competence and expertise in their respective fields of study, can have the status of finality and no 'assessment' by unconnected "academicians" and outside "reviewers" can ever be a valid substitute for it.
- iii) Over the years, the Commission has evolved thorough and fool-proof systems for the efficient conduct of examinations, and of proper assessment of each candidate's performance in them. If the candidate was not called for the viva-voce test, it would simply mean that his performance was not found good enough to be called for it. No other interpretation is possible.

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iv. The number of marks scored by a candidate in any subject in two successive years of the same examination, - or even in a 'similar' examination conducted by another body in the same year or in subsequent year(s) - can never be the true index of his calibre and has no visible or acceptable inter-relationship with one another. If a candidate has scored a certain number of marks in a subject (or subjects) in a particular year, it does not automatically follow that in the next examination such marks have to be necessarily higher. By the same token, his level of performance in a ~~different~~^{though} similar, examination is no guarantee of a like performance of comparable quality or excellence in some other examination. In the last analysis, it is a candidate's performance, relative to that of other candidates, which determines his eligibility and eventual success.

5. Analysing the arguments of the parties, we feel it is unnecessary to make any detailed comment on the facts of this case. It would suffice to add that we are in complete agreement with the contents of the counter-affidavit. We, therefore, hold that : the performance and marks secured by the applicant in an earlier, or similar, examination has no relevance to the quality of his performance in a later, or different, examination; the perceptions of the applicant regarding his performance are subjective and self-serving; and the opinions and views of some outside and wholly ~~connected~~^{un} connected persons with regard to the applicant's performance carry no value or acceptability.

6. In the light of the findings in the previous paragraph, we considered it wholly unnecessary to peruse the answer-scripts of the applicant, although they were duly brought-in by an Officer of the Commission, to enable us to so peruse them. We

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are of the view that it would have turned out to be a point-less exercise since we possess neither the expertise, nor ~~any~~ indeed any authority, to make a fresh assessment of the applicant's answers. In arriving at this decision, we have also taken note of the submission of the Commission that the applicant's answer-books have been rechecked with a view to ensuring that (i) all answers have been duly marked by the concerned examiner(s) ~~and~~ that no answer has been omitted to be valued and marked (ii) the marks awarded to all individual answers have been correctly totalled, and (iii) the totals thus arrived at have been correctly incorporated in the memo-~~ra~~-andum of marks communicated to the applicant.

7. The pleas, assertions and claims of the applicant are completely ill-conceived and unacceptable. The OA is dis-allowed. No costs.

H. Rajendra Prasad
(H. Rajendra Prasad)
Member (Admn.)

M.G. Chaudhari
(M.G. Chaudhari)
Vice Chairman

Dated : August 12, 96
Dictated in Open Court

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DKV

O.A.228/96.

To

1. The Secretary, Union of India,
Ministry of Home Affairs,
Dept. of Personnel and Training,
New Delhi.
2. The Secretary, U.P.S.C.
Dholpur House, Shahjahan Road,
New Delhi.
3. One copy to Mr. N. Rama Mohan Rao, Advocate, CAT. Hyd.
4. One copy to Mr. V. Rajeswar Rao, Addl. CGSC. CAT. Hyd.
5. One copy to Library, CAT. Hyd.
6. One sparecopy.
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

Dated: 12 -8 -1996

ORDER / JUDGMENT

M.A/R.A./C.A. No.

in

O.A.No. 288/96

T.A.No.

(w.p.)

Admitted and Interim Directions

Issued.

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

Eleven spare copies

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