

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

823  
OA. No. 1217/96

Dated : June 28, 96

Between

1. A. Gunnaraju  
2. Chukka Appa Rao  
3. V.V.S.R.Thirthulu  
4. B.Rama Mohan Rao  
5. B. China Raju Babu  
6. B. Narasimha Rao : Applicants

and

1. The Chief General Manager  
Telecommunication, AP Circle  
Hyderabad  
2. General Manager  
Visakhapatnam Telecom Dist.  
Visakhapatnam  
3. General Manager  
Vijayawada Telecom Dist.  
Vijayawada  
4. Director General  
Dept. of Telecommunication  
New Delhi

: Respondents

Counsel for the applicants

: K. Venkateswara Rao  
Advocate

Counsel for the respondents

: N.V. Raghava Reddy  
SC for Central Govt.

CORAM

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

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

Judgement

Oral Order (per Hon. Mr. Justice M.G. Chaudhari, VC )

The applicants failed at the Departmental qualifying screening test for JTOs Recruitment held on 29-1-1995 as they could not secure the minimum prescribed marks for

qualifying at the written examination held. The minimum required marks were 40% in the subject.

2. The contention of the applicants is that they could not acquire the minimum marks for the reasons viz. that

i) Some questions were out of syllabus; ii) There were no answers in the question papers in which one of the answers must be correct where the question is objective in nature; iii) Standard of examination was high; and iv) The time allowed for answering the paper was insufficient.

3. Ground No. 3 and 4 merit no consideration at all. As regards the first two grounds it is alleged that answer for

- ✓ bit No. 2 ~~for~~ question 4 was not found in the mathematics paper, that the given problem, in bit No. 2 of question 5 ~~cannot~~ <sup>could not</sup> be solved unless the sum of two roots of the question is  $-2/3$  but the minus (-) sign is missing; and that in the Physics paper bit No. 5 of Question 6 is out of syllabus; that bit
- ✓ 8 of question 7 is out of syllabus, and Departmental Practi-  
ces paper, <sup>in the</sup> ~~in the~~ <sup>indicated</sup> answer to bit 5 question 8 is not found in the given answers, in the same bit the answers were given under heads ~~A, B, C, D~~ and <sup>a, b, c, d</sup> instead of a, b, c, and d and that in bit XIII of question-8, the answers are given under the heads abcd, abb and d instead of abc and d, that the right answer is Hydrometer but the Hydrometer is wrongly printed under b instead of c and therefore marks had to be awarded for both b and c.

4. According to the applicants because of all these mistakes each of them lost 15 marks. We have gone through the copies of the papers annexed and are of the view that the mistakes pointed out are of minor and clerical nature and could not have misled the applicants in writing the correct answer. Moreover, it is a matter of common <sup>knowledge</sup> ~~nature~~ that if



there are such mistakes in the question paper, the mistakes are promptly announced at the commencement of the examination. Like-wise such an objection has to be ~~communicated~~ immediately on ~~receiving~~ writing the question paper to the Invigilator. Nothing of this kind was done by the applicants.

5. Learned counsel for the Respondents have stated on instructions that the percentage of candidates qualified at the cadre shows that a large majority of candidates have no such grievances to make besides the so called mistakes were not of any material consequence. As far as the TAs is concerned to which the applicants belong to 294 candidates appeared out of whom 239 candidates qualified and only 55 candidates had failed. The percentage of qualified candidates is 81.6, that is a sufficient pointer to the point that the applicants are trying to magnify something which was not at all of any significance.

6. In so far as the grievance that the question was out of syllabus neither the syllabus has been produced nor it has been demonstrated as to how even prima-facie it could be regarded as out of syllabus. Having failed to qualify, possibly because the applicants could not come upto the standard as they found it high the applicants are clearly seeking to get through the examination by seeking a direction to award them reasonable marks as measure of compensation as loss due to mistakes in the question papers. Passing of an examination which is an academic pursuit cannot be measured in terms of money. It is very ammusing to see that the applicants want additional marks to be given as a measure of compensation. This is an attempt to cover their own deficiencies. The grounds urged therefore do not impress us, and in our opinion there is no merit in this application.

∴ The OA is therefore rejected.

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

M.G. Chaudhary  
(M.G. Chaudhary)  
Vice Chairman

(25)

OA.No.823/96.

Copy to:-

1. The Chief General Manager, Telecommunication, A.P.Circle, Hyderabad.
2. General Manager, Visakhapatnam Telecom Dist. Visakhapatnam.
3. General Manager, Vijayawada Telecom Dist, Vijayawada.
4. Director General, Department of Telecommunication, New Delhi.
5. One copy to Mr.K.Venkateswara Rao, Advocate.
6. One copy to Mr.N.V.Raghava Reddy, SC for Central Govt.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

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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: 28.6.1996

ORDER/JUDGMENT

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

in  
O.A.No. 595/96

823/96

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.

pvm

