

27.3.2012

Ms. Ashish Joshi, Proxy Counsel for
Mr. A.K. Sharma, Counsel for applicant

Mr. T.P. Sharma, Counsel for respondents

Heard. The OA is disposed of by a
separate order.

Anil Kumar
(Anil Kumar)
M (A)

K. S. Rathore
(Justice K.S. Rathore)
M (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 27th day of March, 2012

Transferred Application No.01/2012
(SBCWP No.6774/2004)

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDICIAL)
HON'BLE MR. ANIL KUMAR, MEMBER (ADMINISTRATIVE)

Mahesh Kumar Gupta,
s/o Shri Ram Swaroop Gupta,
r/o 23, Shanti Colony,
Outside Gangapole Gate,
Jaipur

.. Applicant

(By Advocate: Ms. Ashish Joshi, proxy counsel for Shri A.K.Sharma)

Versus

1. Bharat Sanchar Nigam Ltd.,
Through its Chairman and Managing Director,
Headquarter at Delhi.
2. The Assistant General Manager
(Administration),
Office of Chief General Manager,
Telecommunications,
Bharat Sanchar Nigam Ltd.,
Sardar Patel Marg,
Jaipur

.. Respondents

(By Advocate: Shri Tej Prakash Sharma)

ORDER (ORAL)

The applicant approached the Hon'ble High Court by way of filing SBCWP No.6774/2004. In view of the notification issued by the Central Government on 31st October, 2008, the Hon'ble High Court transferred the Writ Petition to this Tribunal, which is registered as TA No. 1/2012 in this Tribunal.

2. The matter came up for final disposal on 1st March, 2012 and during the course of arguments the learned counsel for the applicant submitted that the applicant requested for revaluation of marks but there was no change in marks and thereafter ~~the~~ he represented before the respondents pursuant to the notification dated 10.3.2003 (Ann.A/4) whereby certain relaxed standard has been extended. In the representation, the applicant requested that considering this relaxation, he may be declared successful for the post of J.T.O. In response to his representation, the applicant was informed vide letter dated 19.5.2003 (Ann.A/8) that as per findings of the Committee, it was observed that Security Codes of the candidates having roll Nos. RT-105 and RT-104 were interchanged by Centre Supervisor by mistake during allotment of Security Codes on answer sheets. Accordingly, the marks were corrected in the Result Register on the basis of the report submitted by the Committee. The applicant was awarded 12 marks instead of 62 marks in paper II as per the report of the Committee. The applicant



requested the respondents that he may be allowed to inspect his answer book, but the same has been denied to him.

3. Having considered the submissions of the respective parties, this Tribunal thought it proper to direct the respondents to bring the answer sheet of Paper-II of the applicant for perusal of this Tribunal on the next date.

4. Pursuant to the direction issued on 1st March, 2012 the respondents have placed the Answer Sheets and the relevant record for perusal of this Tribunal.

5. We have thoroughly perused the record and the Answer Sheets. Upon perusal, it is found that Security Codes of Roll No. RT-105 and RT-104 were interchanged by the Centre Supervisor by mistake during the allotment of Security Codes on answer sheets. The correct security code for Roll No. RT-104 was 291058 and for RT-105 it was 291059.

6. We have also perused the answer sheets. It is established that the security codes of answer sheet were interchanged by mistake. The code of the answer sheet was shown to the applicant, who was present in the court, and he verified that the answer sheet belongs to him and in the answer sheet of the applicant 12 marks were awarded by the examiner. We have calculated the marks given by the examiner and upon calculation it comes to 16 marks and there was a mistake in totaling of marks. But, even if correct 16 marks are considered, the applicant does fall in the merit list. The respondents stated that the result has already been declared as per normal



standards and as per merit list for unfilled vacancies of OC category-40, SC category-6 and ST category-7, total 53 vacancies. In the OC category as per available vacancies, the last candidate selected as J.T.O. vide result declared under relaxation in qualifying standards was having 168 marks in total, whereas the applicant secured only 140 marks in total. Thus, the applicant was not found meritorious and no candidate having lesser marks in comparison to the applicant have been given promotion as J.T.O. under relaxation in qualifying standards under OC category.

7. Having considered the rival submissions of the respective parties and upon perusal of the original record as well as the material available on record, we are of the view that no mistake has been committed by the respondents. The applicant's name could not find place in the merit of the OC category because of the reason that the last candidate given promotion on the post of J.T.O. secured 168 marks whereas the applicant secured only 140 marks.

8. Consequently, the TA being devoid of merit fails and the same is hereby dismissed with no order as to costs.

Anil Kumar
(ANIL KUMAR)
Admv. Member

K. S. Rathore
(JUSTICE K.S.RATHORE)
Judl. Member

R/