

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

O.A. No. 77 of 1998

Hon'ble Shri J.K.Kaushik, Judicial Member

for consideration pl.

(R.K.Upadhyaya)
Administrative Member
1.5.2003

I. agree
Dr

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.77 of 1998

Jabalpur, this the 2nd day of May, 2003

Hon'ble Mr. R.K. Upadhyaya-Administrative Member
Hon'ble Mr. J.K. Kaushik-Judicial Member

V.N. Sharma, son of late Shri Devprasad Sharma,
aged about 40 yrs., R/o 30/341, Amapara, Near
R.D. Tiwari School, Raipur, M.P.

- Applicant

(By Advocate - V.Tripathi)

Versus

1. Union of India, through Secretary, Ministry
of Telecommunication, Sanchar Bhawan, New Delhi.

2. Chief General Manager, Telecommunication, M.P. Circle
Bhopal, M.P.

3. General Manager, Telecommunication Division,
Raipur, M.P.

- Respondents

(By Advocate - Shri S.C. Sharma for Shri B.da. Silva)

O R D E R

By R.K. Upadhyaya, Administrative Member -

The grievance of the applicant is that his answer books have not been properly evaluated. He, therefore, has sought a direction to the respondents that his answer books should be "examined through an independent examiner". The applicant has further prayed that consequential benefits be allowed to him if he secures more marks on his clearing the examination.

2. It is stated by the applicant that while working as Supervisor(Phones), Raipur he appeared in the departmental competitive examination for Junior Telecom Officer held in February, 1996. The applicant has stated that passing marks in each papers were reduced from 40% to 30% and there was no stipulation for minimum qualifying marks in each subject. He further stated that after the reduced percentage of marks, 20 persons were declared successful. According to the applicant he should have secured very high marks in all the papers and he was "quite certain that on relaxation in

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minimum qualifying marks he would be definitely find place amongst selected candidates". Since his name was not in the select list, the applicant on receipt of marks-sheet applied for re-totalling. He was subsequently informed by the respondents that there was no change in the marks obtained by him after retotalling. The applicant apprehends that there must be mistake somewhere either in the allotment of secret code or in the evaluation of question papers. Therefore, he has prayed for the reliefs sought for.

3. The learned counsel of the respondents invited attention to the reply filed in which it has been stated that the whole petition has been preferred only on presumption and has no legal grievance that requires adjudication. The applicant's claim that he must have secured high marks is devoid of factual position. The applicant did not secure the minimum aggregate marks in all the four papers i.e. 30%. Therefore, the applicant's name was not included in the list of selected candidates. It is further stated by the respondents that "revaluation of answer books is not permission under any circumstances". In this connection attention was invited to a copy of the rules filed as Annexure-R-1. The rules provide for retotalling and verification of the marks under Rule 14, which has already been done in the applicant's case. Therefore, the present O.A. deserves to be dismissed.

4. We have heard the learned counsel of parties and have perused the material available on record carefully.

5. The applicant has presumed that he should have secured more marks than those communicated to him. This is not based on factual position as has been asserted by the respondents. As a matter of fact, the respondents have already checked the answer books of the applicant on the

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request of the applicant for retatalling. Since there was no mistake found, the applicant was accordingly informed. In our view there is no justification to allow the reliefs as claimed by the applicant.

6. In the result, this O.A. is dismissed, however, without any order as to costs.

J.K. Kaushik

(J.K.Kaushik)
Judicial Member

R.K. Upadhyaya

(R.K.Upadhyaya)
Administrative Member

rkv.

पूर्णांकन सं. ओ/न्या..... जललपुर, दि.....
प्रतिलिपि द्वारा दिला -

(1) रामेश, उमा विजयन, विजयन, जललपुर के काउंसल * Tripathi, Adv.
(2) अमिताल, विजयन, विजयन, जललपुर के काउंसल SC Sharne, Adv.
(3) धर्मेश, विजयन, विजयन, जललपुर
(4) दीपेश, विजयन, विजयन, जललपुर
राजना द्वा आवश्यक कार्यवाची देतु

Tripathi, Adv.
उप अधिकारी
S/5/03

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or 18*