

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

ORDERS OF THE TRIBUNAL

4.3.2008

OA 59/2008

Applicant present in person.

Heard. The OA stands dismissed by a separate order.


(J.P. SHUKLA)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 4th. day of March, 2008

ORIGINAL APPLICATION NO.59/2008

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.J.P.SHUKLA, ADMINISITRATIVE MEMBER

Abdul Rafique,
Ticket No.6830/21,
Junior Engineer (Ist) Diesel,
Diesel Shop,
Loco Workshop,
Ajmer.

... Applicant
(By Advocate : In person)

Versus

1. Union of India through
General Manager,
North West Railway,
Jaipur.
2. Chief Workshop Manager (Personnel),
Loco Workshop,
Ajmer.
3. Dy.Chief Mechanical Engineer (Loco),
Loco Workshop,
Ajmer.
4. Revaluator of written Exam, through
Chief Workshop Manager (Personnel),
Loco Workshop,
Ajmer.
5. Question/Answer Paper setter, through
Chief Workshop Manager (Personnel),
Loco Workshop,
Ajmer.

... Respondents
(By Advocate : - - -)
lq

ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

Heard the applicant, who is present in person. In para 3.1 of the OA, the applicant has pointed out four questions against which no marks have been awarded to him, whereas in para-3.4 the applicant has averred that less marks have been awarded to him.

2. We have noticed the contention of the applicant vis-à-vis the answer-sheet as well as the key answers prepared by the respondents. Regarding non-awarding of marks against four questions, as mentioned in para 3.1, we find that prima-facie question No.1(~~10~~) has been correctly answered by the applicant as per the key answer prepared by the respondents. Regarding other key answers, we find that the applicant has not been able to point out any discrepancy.

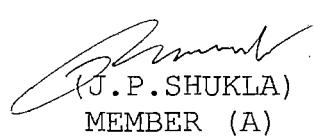
3. Regarding the averment made in para-3.4 of the OA that less marks have been awarded to the applicant, we are of the view that it is not permissible for us to re-assess the answer-sheet. From perusal of the answer-sheet, it is evident that the applicant has been awarded 53.1/2 marks out of 100. Even for argument sake, if the applicant is awarded 2 marks for question No.1(~~10~~), even then the applicant would obtain less than 60% marks. Thus, it will be futile exercise even if the matter is remitted to the respondents for reconsideration. Further, the matter on this point is no longer res-integra in view of the law laid down by the Apex Court in the case of Pramod Kumar Srivastava v. Chairman, Bihar Public Service Commission, Patna, and Others, 2004 (2) SC SLJ 270, in which the Apex Court has specifically held that since there is no rule for revaluation of the answer-sheets, no candidate ~~has~~ ^{is} ~~allowed~~ to reevaluate.

4. The applicant, who is present in person, has not been able to point out any rule which permits

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revaluation of the answer-sheet. Prayer of the applicant in this OA is regarding revaluation of the answer-sheet and declaring him pass and give him appointment. In view of the law laid down by the Apex Court, we are of the view that the applicant has not made out any case for our interference.

5. The OA is accordingly dismissed, at admission stage itself, with no order as to costs.



(J.P. SHUKLA)
MEMBER (A)



(M.L. CHAUHAN)
MEMBER (J)

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