

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH, JAIPUR.

*Jaipur, the 23<sup>rd</sup> day of March, 2011*

**ORIGINAL APPLICATION No.208/2010**

**WITH**

**MISC. APPLICATION No.222/2010**

CORAM :

HON'BLE MR.JUSTICE K.S.RATHORE, JUDICIAL MEMBER  
HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

Bhanwar Lal Meena,  
Audit Clerk  
O/o PAG (Civil Audit),  
Rajasthan,  
Jaipur.

... Applicant

(By Advocate : Shri Vinod Goyal )

Versus

1. Union of India through  
Comptroller & Auditor General of India,  
10, Bahadur Shah Zafar Marg,  
New Delhi.
2. Principal Accountant General (Civil Audit),  
Rajasthan,  
A.G.Office, Janpath, Near Statue Circle,  
Jaipur.

... Respondents

(By Advocate : Shri Mukesh Agarwal)

**ORDER (ORAL)**

The short controversy involved in the present OA is whether the applicant is entitled to ask for revaluation of his answer-sheet of the Paper-1 [Part-B] as the applicant claims that he had given correct answers to the question Nos.6(e), 7(a), 7(d) & 8. It is also required by us to examine whether



the applicant is entitled for 5% bonus marks being ST category candidate, as per the office memorandum.

2. As per para 9.4.1 of the Comptroller & Auditor General's Manual of Standings Orders (Administrative) Volume-I, the Clerks promoted as Auditor on seniority basis are required to pass the departmental examination for confirmation and promotion to the higher scale of Senior Auditor. The said examination is arranged to be held once in six months i.e. in February & August of each year.

3. Further, as per para 9.4.2 of the aforementioned Manual, the Clerks promoted on seniority basis may appear in the examination immediately after their promotion or they may not appear in the examination if it is held within 90 days of their promotion. They may instead appear in their first examination held immediately thereafter. They will have to pass the examination within six chances i.e. in six consecutive examinations held after they become eligible.

4. Absence in any examination for whatever reason will also be taken as a chance availed. Failure to pass the departmental examination within the stipulated time/number of chances will entail reversion to the Clerk's Grade in the case of promoted Auditors. The reverted Clerks will have three more chances to clear this examination within two years of the reversion.

5. It is not disputed that the applicant has availed of the maximum nine chances but he could not pass the examination. Resultantly, the applicant represented before the respondents on 3.12.2009 and the respondents vide order dated 11.12.2009 (Ann.A/1) informed the applicant that his answer-sheet has been correctly examined by the examiner and the marks given by the examiner are according to the answers given by him and total of the marks is also correct.



6. However, under RTI Act, the applicant applied for grant of copy of his answer-sheet, which has been provided to him by the respondents..

7. The applicant has also moved MA 222/2010 for placing on record copy of the said answer-sheet as Ann.A/7. In view of the averments made in the MA, the MA is allowed and copy of the answer-sheet annexed thereto is taken on record and shall form part of the OA. MA stands disposed of accordingly.

8. We have carefully perused the answers given by the applicant and on perusal of the same it is revealed that the answers given by the applicant are not correct. Thus, the respondents have rightly awarded 17 marks to the applicant, whereas minimum 24 marks were required to pass the examination.

9. As regards the prayer regarding awarding of 5% bonus marks to the applicant being a ST category candidate, it is not the domain of this Tribunal but it is the discretion of the respondents to consider whether the applicant is entitled to award 5% bonus marks or not. However, even after adding 5% bonus marks, the applicant cannot get the minimum passing marks. Besides, he has availed the maximum nine chances and has been declared failed.

10. Thus, the present OA stands dismissed being devoid of merit. No order as to costs.

*Anil Kumar*

(ANIL KUMAR)  
MEMBER (A)

*K. S. Rathore*

(JUSTICE K.S.RATHORE)  
MEMBER (J)

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