

CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH, JAIPUR.

O.A.269/2012.

Dated this Tuesday the 10<sup>th</sup> day of December, 2013.

Coram: Hon'ble Shri Anil Kumar, Member (A)  
Hon'ble Shri A.J. Rohee, Member (J).

Manoj Saini s/o Nand Kishor Saini,  
by cast Saini r/o 274 Devi Nagar,  
Jaipur, presently on deputation  
as W.O. 2 C.B.P.O.(ADM)  
Pin-900099 C/o 99 APO from  
Jaipur City Dn. Jaipur.

..Applicant.

( By Advocate Shri P.N. Jatti ).

Versus

1. Union of India, through  
the Secretary to the  
Govt. of India,  
Department of Post,  
Dak Bhawan, Sansad Marg,  
New Delhi.
2. Chief Post Master General,  
Rajasthan Circle,  
Jaipur - 7.
3. Senior Superintendent  
Post Offices,  
Jaipur City Dn.,  
Jaipur.
4. Additional Director General  
APS, Army Head Quarters,  
New Delhi.
5. P and T Administration Cell,  
Army Postal Services Center,  
Pin 900746 C/o 56 APO  
Camptee, Nagpur.

..Respondents.



( By Advocate Shri Mukesh Agarwal ).

O R D E R

Per : A.J. Rohee, Member (J).

The applicant having been aggrieved by the impugned order dated 01.07.2011 Annexure A-1 passed by the Respondents rejecting his request for revaluation of answer sheet of Paper-I in the Departmental Examination approached this Tribunal under the provisions of Section 19 of the Administrative Tribunals Act, 1985 to seek quashing of the impugned order.

2. The facts of the case in nutshell are that the applicant was initially selected for some post in the Department of Posts. Subsequently, he was sent on deputation in A.P.S. Thereafter, the applicant joined Jaipur City Division, Jaipur as Postal Assistant. In pursuance of the notification issued by the Respondents he appeared for the Departmental Examination held on 4-6/1/2010 for the promotional post of Inspector of Post Offices. The written examination comprises of five papers and on declaration of result it was revealed that the applicant secured more than 40% qualifying

*As per*

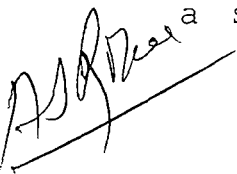
marks in all the papers except Paper No.I with 32 marks only.

3. The applicant, therefore, initially secured the xerox copy of the answer sheet of Paper - I and then its approved key by moving an application under Right to information Act. On its basis the applicant forwarded the application under the provisions of Rule 14(d) of Postal Manual Vol.IV Part II(A) Appendix No.37 Vth Edition for revaluation of the answer sheet of Paper - I. The Respondents considered the request, however by the impugned order application was rejected on the ground that Rule 14(d) only prescribes retotalling and verification of marks and not revaluation of answer sheet.

4. The impugned order has been challenged in this proceeding mainly on the ground that the same is illegal, arbitrary and that the Respondents failed to take action as per the Rules which permit revaluation and that the applicant is fully confident that if revaluation is done he would have secured more than qualifying marks.

*As per*

5. On notice the Respondents appeared and resisted the claim by way of common reply dated 04.12.2012 denying all the adverse allegations and averments made in the application including that the Respondents failed to follow the relevant rules and illegally and arbitrarily rejected his request. Since the applicant failed to secure qualifying marks in Question Paper No.I and Rule 14 of the P&T Manual do not prescribe revaluation and simply speaks about retotalling and verification of marks, the applicant's representation seeking the said relief was correctly rejected. On the contrary, Rule 15 of the P&T Manual specifically prohibits revaluation of answer sheets under any circumstance or in any case the validity of this rule has been approved by the Hon'ble Supreme Court in the case of Mukesh Kumar Vs. Himachal Pradesh Public Service Commission in Civil Appeal No.897/2006 and 907/2006 dated 25.05.2010, holding that in absence of any statutory rule or the provision there cannot be any revaluation. Same view has been taken by the Hon'ble High Court of Madras in a similar matter interpreting the provisions of



retotalling and verification of marks has simply stipulating assessment for the purpose of verification of the marks and retotalling and revaluation cannot be permissible and thereby declined to declare the provisions of Rule 15 as ultra-vires. The Central Administrative Tribunal, Madras Bench also relying on the aforesaid decision rejected the request for revaluation. The application is also barred by limitation. Although the applicant makes a request for revaluation the application is filed under Rule 14(d) of the P&T Manual and hence his request was rightly rejected. The copies of relevant judgments relied upon referred in the reply were also annexed by the Respondents and it is prayed to dismiss the application.

6. We have heard the oral submissions of Shri P.N. Jatti, learned Advocate for the applicant and Shri Mukesh Agarwal, learned Advocate for the Respondents. We have carefully gone through the pleadings of the parties, the material produced on record in support of their rival contention and have given thoughtful consideration to the submissions advanced by

them.

7. The only point that arises for our consideration is whether the application is maintainable and the applicant is justified in making a request for revaluation of answer sheet under the provisions of P & T Manual. We record our findings in the negative for the following reasons.

Reasons

8. At the very outset although the objection about limitation is raised referring to the provisions of Section 21 of the Administrative Tribunals Act, 1985, the same is untenable since the impugned order dated 01.07.2011 and the present O.A. Is filed on 25.04.2012 i.e. within one year. Hence it cannot be said that it is barred by time.

9. The photocopy of the answer sheet of Paper NO.I Annexure A-3 clearly shows that the applicant has solved 5 questions only and marks are allotted to each of them totalling 32 out of 100. Perusal of the answer sheet further shows that sufficient latitude was given by the valuer.

*As per*

The Rules regarding the departmental examination are framed by the Postal Department and are included in Appendix No.37. It is obvious that by following those rules the departmental examination was undertaken by the Respondents for promotional post. It is obvious from perusal of Rule 14 thereof that retotalling and verification of marks only is permissible if application is submitted within six months from the date of announcement of the result and further that it should be carried out by an officer other than the one who had originally valued the answer scripts concerned. As stated earlier, although the applicant has submitted application under Rule 14(d) of the P&T Manual the request was for revaluation of answer sheet and not for retotalling and verification of marks. Rule 15 specifically prohibits revaluation of answer sheets in any case or under any circumstances. Thus the applicant's request is not covered under any Rule of P & T Manual.

10. The citations relied upon by the Respondents clearly show that constitutional validity of Rule 14 was upheld. In a similar

*[Handwritten signature]*

matter the Hon'ble Apex Court declined to grant relief of revaluation or rechecking of answer sheets of the Respondents appearing for the competitive examination for judicial service in which the recruitment rules specifically prohibits revaluation or rechecking. The same analogy can be made applicable in the present case also. The decision of Hon'ble Madras High Court in M. Radhakrishnan Vs. T. Sundaramonickam dated 09.11.2009 vide Annexure R-2 relates to the departmental examination of Postal Department and refers to provision of Rule 14 and 15. The coordinate Bench of Central Administrative Tribunal, Madras also had taken similar view in the case of Postal Department involving same provisions vide copy of judgment dated 30.04.2010 in O.A.No.335/2009 at Annexure R-3.

11. Considering the relevant provisions of P&T Manual coupled with the decisions of Hon'ble Supreme Court, the Hon'ble High Court and coordinate Bench of C.A.T., Madras it is not permissible to take different view. Since the applicant is not made any request for retotalling or verification of marks for answer sheet of


*[Handwritten signature]*




Question Paper No.I, the Respondents have not considered it and now it is not possible for him to make a fresh request since any such request has to be within six months from the declaration of the result as per Rule 14 and that period had expired long back. There being so no provision for revaluation or rechecking of the answer sheet in P & T Manual, the applicant is not entitled to any relief and it cannot be said that the Respondents were wrong in rejecting his request and in passing the impugned order.

12. In the result, the application is rejected, however, with no order as to costs.

13. In view of the fact that this O.A. has been decided on merit, the M.A.No.130/2012 for condonation of delay stands disposed of.

  
( A.J. Rohee )  
Member (J)

  
( Anil Kumar )  
Member (A).

H.