

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.357/2018

This the 05th day of October, 2018

**Coram : Hon'ble Ms. Archana Nigam, Administrative Member
Hon'ble Shri M.C.Verma, Judicial Member**

Ms. Ankita Tiwari
D/o. Shri S.K.Tiwari
Age 37 years,
Working as Inspector in the Office of the Respondents
Residing at : E/104, Akash Earth
B/h. Shiv Someshwara Enclave
Asthana, Bhimrad Canal Road,
Bhimrad, Surat – 395 007. Applicant

(By Advocate : Shri M.S.Trivedi)

VERSUS

1. Union of India through
The Secretary
Ministry of Finance
CBDT, North Block
New Delhi 110 001.
2. The Director
O/o. Director of Income Tax
5th Floor, Mayur Bhavan
Canaught Circus,
New Delhi 110 001.

3. The Principal Chief Commissioner
O/o. Pr. CCIT, Gujarat Circle
Ayyakar Bhavan, Navrangpura,
Ahmedabad 380 009. Respondents.

O R D E R – ORAL

Per : Hon'ble Shri M.C.Verma, Member (J)

The applicant has filed instant OA for declaring action of the respondents as ex-facie, illegal, arbitrary, unjust and unconstitutional with regard to not checking complete answer sheet of the applicant so far paper of Income Tax & Accountancy in departmental examination for ITO held in the year 2016.

2. Heard, Shri M.S.Trivedi, learned counsel for the applicant.
3. Instant OA has been preferred by applicant, Ms. Anita Tiwari, who is working as Inspector in the office of the respondents, since 13.10.2011, and being eligible took departmental examination for promotion for the post of ITO in departmental examination of ITO, 2017 but she got total 33 marks in all papers and was declared unsuccessful. She has alleged that she collected copy of the answer sheet through RTI

application. According to her, her answers were not checked and evaluated by the respondents properly. Her grievance as reveals from pleadings are that her answer sheet of paper “Income Tax and Accountancy-05” of Departmental examination of ITO (Annexure A-1) is contrary to the instruction of the Amended Departmental Examination Rules for ITO, 2009, effective from 2010 examination.

4. The matter is at the stage of notice. Learned counsel, Shri M.S.Trivedi, who appeared for applicant while pressing for issuance of notice urged that each questions was required to be checked and marks were required to be given accordingly and that though answers of the applicant were as per model answer key and appears to have been checked but marks were not given/assigned for each answers. He added that this may be either bonafide mistake or error due to haste, but the same may be required to be rectified by the respondents to met end of justice to the applicant. He also urged that request for revaluation or retotalling of descriptive type paper is permissible and may be entertained.

5. Rule-X for Revaluation & Representation of Amended Departmental Examination Rules for Income Tax Officer, 2009 as has been urged is reproduced below :-

- a). No request shall be entertained under any circumstances for revaluation or retotalling of the Answer-scripts for objective type papers.*
- b). The request for recounting of marks will, however, be entertained for the subjective type paper, if a representation is submitted by the candidate to the Chief Commissioner/ Commissioner (In-charge of Examination) within 45 days from the date of issue of the result by the Directorate or 30 days of the declaration of the result by concerned CCIT/ CIT (Exam), whichever is earlier.*

For this purpose the date of uploading of result on the departmental website “incometaxinda.gov.in” shall be taken to be the date of issue of result by the directorate.”

6. Considered the submission and perused the record. It is the grievance of the applicant that although the answer of the applicant is as per model answer key and though it appears to have been evaluated but marks could not have been assigned for each answer. Accordingly, in interest of justice, the applicant is being allowed to approach the department for seeking revaluation of the answer sheet of the said examination and in case applicant made formal request seeking revaluation, within

three weeks from the date of this order, the respondents shall entertain the same.

7. With aforesaid observation, the OA stands disposed off with direction to the respondents to reevaluate the applicant's answer sheet expeditiously but not later than in two months period from the date of receipt of formal request of applicant. Copy of this order be sent to Respondents.

8. The OA stands disposed off accordingly.

(M.C.Verma)
Member (J)

(Archana Nigam)
Member (A)

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