

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

This the 31st day of *July, 2018*.

**HON'BLE MR. GOKUL CHANDRA PATI, MEMBER (A).
HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J).**

Original Application Number. 330/00891/2014.

Sanjay Kumar Mishra, S/o Shri Onkar Nath Mishra, Resident of House No. 424/2, Balaji Colony, Bhagawnpur (Ext) Lanke, BHU, Varanasi (U.P) - 221005.Applicant.

VE R S U S

1. Union of India through the Secretary, Ministry of Human and Development Department of School Education and Literacy, New Delhi .
2. The Naodya Vidyalaya Samiti through the Commissioner, 128, Kailash Colony, New Delhi.
3. Commissioner, Navodaya Vidyalaya Samiti, Department of School Education and Literacy, Government of India, B-15, Institution Area, G.B. Nagar, Sector – 62, Noida (U.P).Respondents

Advocate for the applicant : Shri Anil Kumar Singh
Advocate for the Respondent : Shri Nishant Mehrotra

O R D E R

(Delivered by Hon'ble Mr. Gokul Chandra Pati, A.M)

In this OA, the applicant has prayed for quashing the order dated 11.02.2014 (Annexure A-1) by which the respondents have rejected the representation of the applicant dated 20.09.2013 in pursuance to the direction of this Tribunal in OA No. 1595/2013. Learned counsel for the applicant submitted that as per the copy of mark sheet at Annexure A-3, the applicant has been shown to have secured 117 marks. Subsequently, in the Counter Affidavit, it is stated that the applicant has secured 104 marks. The applicant had obtained a copy of answer sheet through application dated

25.10.2016 filed under RTI Act, copy of which has been filed through Suppl. Affidavit alongwith MA No. 37/2017 where photocopy of answer sheet has been enclosed at Annexure SA-7. Learned counsel for the applicant submitted that on perusal of the answer sheet it is seen that in reply to some questions, the applicant was not awarded any marks, hence the evaluation of the answer sheet was faulty. It was also submitted as per the letter dated 26.04.2013 (Annexure A-4) that the applicant had secured 117 marks which is higher than cut off mark of 116.5.

2. Learned counsel for respondents has raised preliminary objection on the ground that he has not received a copy of MA No. 37/2017 filed alongwith Suppl. Affidavit. Applicant's counsel is directed to hand over a copy to the respondents' counsel. Learned

counsel for respondents further submitted that the applicant has secured 104 marks, which is much less than the cut off marks for selection.

3. We considered the submissions of the learned counsels for both sides and perused the records.

4. Learned counsel for the respondents produced the the result of the examination in question, which was perused by the Bench. It is seen that the applicant had secured 104 marks in the examination as stated in the Counter Affidavit.

5. Further, on a query from the Bench to the learned counsel for the applicant as to whether the applicant has submitted any representation raising his grievance about the evaluation of answer sheet copy of which he had received under RTI application in the letter dated 06.05.2014 of the respondents (enclosed at Annexure SA-7 to the MA). Learned counsel for the applicant

claimed that that no representation has been made by the applicant in this regard.

6. In view of the above submissions and taking into consideration the facts that the applicant seems to have a grievance regarding the evaluation of his answer sheet, we dispose of this OA at this stage with the consent of the learned counsels for both the parties with a direction that if the applicant files file a fresh representation before respondent No. 2/ competent authority alongwith a copy of this order, within a period of 15 days from the date of receipt of copy of this order raising his grievances regarding evaluation of his answer sheet and other grievances, if any, then the respondent No. 2/ competent authority shall consider and decide the same as per the applicable rules / regulations / guidelines by passing a reasoned and speaking order copy of which shall be communicated to the applicant within a period of two months from the date of receipt of certified copy of this order.

7. The OA is disposed of accordingly. No costs.

MEMBER- J.

MEMBER- A.

Anand...