

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A.No.3830/2017

M.A.No.4024/2017

Tuesday, this the 14th day of November 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Mann Bhartiya aged 28 years
Son of Shri Mukesh Bhartiya
Candidate of Combined Graduate Level
Examination, 2016 in Group C
Resident of Be-Narayan Gate
Bharatpur, District Bharatpur (Raj) 321 001

..Applicant

(Mr. P S Khare, Advocate)

Versus

Staff Selection Commission through
The Registrar General
Northern Regional Office
Department of Personnel & Training
Block No12, CGO Complex
Lodhi Road, New Delhi – 110 054

..Respondent

(Mr. R K Sharma, Advocate)

O R D E R (ORAL)

Justice Permod Kohli:

The petition has been filed seeking quashment of result of the Combined Graduate Level Examination 2016 held by the Staff Selection Commission (SSC). The prayer made is for reevaluation of the answer-sheet of the applicant in respect of Tier III of said Examination 2016. The only ground, which has been urged in the petition and argued by learned counsel for applicant, is that the applicant secured 155.5 marks out of 200 in Tier-I, 296 marks out of 400 in Tier-II, however, he has been awarded only 52

marks out of 100 in Tier-III. It is accordingly argued that the applicant has been arbitrarily given lesser marks in Tier-III, whereas his performance in the earlier two Examinations, i.e., Tier-I & Tier-II was excellent.

2. It is settled law that reevaluation of the answer-sheet is permissible only if any rule so prescribes. Learned counsel for applicant has not been able to point out any rule or law, which, *inter alia*, prescribes the reevaluation of the answer-sheet. The issue is no more *res integra* having been settled by the Hon'ble Supreme Court in the case of **Himachal Pradesh Public Service Commission v. Mukesh Thakur & another** (2010) 6 SCC 759. Paragraph 26 of the said judgment is reproduced hereinbelow:-

“26. Thus, the law on the subject emerges to the effect that in the absence of any provision under the statute or statutory rules/regulations, the Court should not generally direct reevaluation.”

3. In view of the law laid down by the Apex Court, we do not find any valid reason to interfere in the Examination or direct reevaluation of the answer-sheet. No merit. Petition is dismissed.

4. In view of the aforesaid order, no separate order is required to be passed in M.A. No.4024/2017. M.A. stands disposed of.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

November 14, 2017
/sunil/