

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

O.A. No.4486/2014

Thursday, this the 6th day of April 2017

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

Dr. Satish Kumar s/o Sh. Sri Krishna Singh
Aged about 33 years
Permanent r/o House No.A-5
Vaikunthdham Society
Makarpura, Vadodara
Gujarat – 390014

..Applicant

(Mr. M K Gaur, Advocate for Mr. Jasbir Singh Malik, Advocate)

Versus

Union Public Service Commission
Through its Secretary
Dholpur House, Sharjahan road
New Delhi – 110 069

..Respondent

(Mr. Ravinder Aggarwal, Advocate)

O R D E R (ORAL)

Justice Permod Kohli:

The applicant participated in the Civil Services (Preliminary) Examination 2014 in response to an Advertisement Notice dated 31.05.2014 published by the Union Public Service Commission (UPSC). He appeared under Roll No.035001. He was earlier selected in the Indian Police Service through Civil Services Examination 2012. The result of the Civil Services (Preliminary) Examination 2014 was, however, declared by the Commission on 14.10.2014 and the applicant did not find place in the list of the successful candidates in the Preliminary Examination. The applicant made queries under Right to Information Act to the UPSC for securing (i) copy of OMR sheet for

both the papers, (ii) answer key for series A for both papers, (iii) marks obtained in Civil Services (Preliminary) Examination 2014 Paper -1 and Paper -2; and (iv) cut-off marks obtained in each paper category wise (SC, ST, OBC & General). It is stated that the applicant was not provided the information. This O.A. has been filed seeking the following reliefs:-

- “i) Call for the record of the case for perusal;
- ii) Direct the respondent-UPSC to provide Optical Mark Recognition [in short OMR] Sheet of the Applicant, Answer key for Series A, Marks obtained by him and cut-off the marks obtained category wise in each Paper i.e. Paper-I & II of General Studies of Civil Services (Preliminary) Examination-2014;
- iii) Further direct the respondent-UPSC to upload the answer key on its official website immediately in respect of Paper-I & II of General Studies of Civil Services (Preliminary) Examination-2014;
- iv) Set aside the order/action, if any for cancellation of the Press Note qua Civil Services (Preliminary) Examination-2014 insofar as it relates to i.e. Candidates are also informed that marks, cut off marks and answer keys of Civil Services (Preliminary) Examination 2014 will be provided only after the entire process of the Civil Services Examination, 2014, is over i.e. after the declaration of final result. Therefore, No application under RTI Act, 2005 or otherwise will be entertained in this regard.
- iv) Further direct the respondent-UPSC to have a Redressal Forum for correction of the questions/answers of the Paper-I & II of General Studies of Civil Services (Preliminary) Examination-2014 within the shortest time possible;
- v) Pass any other order/orders or direction/directions or grant any other relief/ reliefs as deemed fit and proper in the light of the facts and circumstances of the case.”

2. From the perusal of the prayer made, we find that the reliefs sought for by the applicant in the O.A. are same as were sought under Right to Information Act. The reliefs claimed do not pertain to service

matters as defined under Section 3 (q) read with Section 14 of Administrative Tribunals Act, 1985. This Tribunal cannot be a substitute forum to the one prescribed under Right to Information Act, 2005. The petition is not maintainable. Apart from that the respondents in their counter affidavit have furnished the information sought for by the applicant (pp 119 to 130), inasmuch as the OMR sheet has been placed and the answer keys, asked for by the applicant, have been provided today. Mr. Ravinder Aggarwal, learned counsel has also stated that the other information, i.e., cut-off marks for each category, is already on the official website of the Commission as well as in the counter affidavit. Today, he has also placed on record an information, which is already available on the website of the Commission, indicating the minimum qualifying standards/marks in various categories at various stages. Copy of the same has also been furnished to the learned proxy counsel for applicant.

3. In this view of the matter, we do not find that there is any scope of interference by the Tribunal. The O.A. is hereby dismissed. No costs.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

April 6, 2017

/sunil/