

OA.No.170/00357/2017/CAT/Bangalore Bench
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00357/2017

DATED THIS THE 21st DAY OF AUGUST, 2018

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI C.V.SANKAR, MEMBER (A)

Sri.Chidanand Sadashiv Vatare
 S/o.Sri Sadashiv Basalingappa V.
 Aged about 35 years
 R/o No.232/1, 12th A Cross
 Mahalakshimpuram, II Stage
 W.C.Road
 Bangalore-560086.

...Applicant

(By Advocate Sri Satish M.Doddamani)

Vs.

1. Union Public Service Commission
 Represented by its Secretary
 Dholpur House
 Shahjahan Road
 New Delhi-110069.

2. The Central Public Information Officer (CPIO) &
 Joint Director (Examination)
 UPSC
 Dholpur House
 Shahjahan Road
 New Delhi-110069.

...Respondents

(By Advocate Sri M.Rajakumar)

ORDER (ORAL)

(PER HON'BLE DR.K.B.SURESH, MEMBER (JUDL.))

We heard this matter in detail. The applicant's case is that including the 165 marks which he obtained in personality test he had obtained 942 marks. The UPSC, on the other hand, maintained that the last selected candidate in the final list had obtained more than 1000 marks and therefore the selection was based only on the ascendancy in the score. The Learned Counsel for the applicant maintains that the word 'not recommended' indicates some other

meaning in tune with 165 marks which he obtained in the personal interview. But then going by the matrix of 250, the 165 marks is also indicative as pointed out by the other marks which he had obtained all through. So there cannot be said that there is wide variance in the marks which he had obtained in the other segments and this marks.

2. On this point, the Ld.Counsel for the applicant submits that he may be allowed re-evaluation to ascertain his correct marks. We are not inclined to go in hanging expedition like when especially the Hon'ble Apex Court has said 'no' in other cases. To his request for re-computation of the marks also, the Hon'ble Apex Court having said no, we will not venture. Other than that everything seems to be done according to the normal parlance going by the Annexures produced in OA.
3. At this point, the Learned Counsel for the applicant placed before us the judgment of the Hon'ble Supreme Court which supported the Kerala High Court judgment which says that under the Right to Information(RTI) Act, the request for question papers or answer papers cannot be rejected. That may be so, we are not sitting over the appeal, in every decision of the Appellate Authority under the RTI Act. If probably the applicant applied under RTI Act he may get appropriate reliefs, it is not open to this Tribunal and we will not go into that question at all. The OA therefore lacks merit. Dismissed. No costs.

(C.V.SANKAR)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

/ps/

Annexure A1: Copy of the Admission Ticket

Annexure A2: Copy of the Admission Card issued by the Union Public Service Commission, dtd.01.04.2017

Annexure A3: Copy of the Marks Card issued by the UPSC dtd:02.06.2017

Annexure A4: Copy of the request dtd:08.06.2017

Annexures with reply statement:

-NIL-

Annexures with rejoinder:

Annexure-1: Copy of the order in CA.No.6454/2011 (Arising out of SLP (C)No.7526/2009
