

CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH  
KOLKATA



Original Application No. 678/2011

Present : Hon'ble Mr Justice Vishnu Chandra Gupta, Judicial Member  
Hon'ble Ms Jaya Das Gupta, Administrative Member

Surajit Manna

.....Applicant

-Vs-

Union of India & ors. (G.S.I)

.....Respondents

For the petitioner : Mr P. K. Munsi, Counsel

For the respondents : Mr A. Laskar, Ms S.D. Adhikari and Mr B. Baidya  
Counsel

Date of Hearing : 18-02-2016.

Date of Order : 10-03-2016

**ORDER**

**JUSTICE V. C. GUPTA, JM:**

The applicant filed this application under Section 19 of the Administrative Tribunals Act 1985 seeking the following reliefs :

"Promotion to the post of L.D.C w.e.f. the date on which the private respondent Shri Navin Kumar Singh promoted and consequential benefits thereof."

2. The brief facts are that the applicant is working as Safaiwala in 27 Care Taker Cell, Geological Survey of India (for short GSI). He appeared in the departmental examination in the year 2010 for promotion to the post of L.D.C. In this examination he was placed at serial No.4 in the merit list because he obtained 299 marks. The three others secured more marks and Sri Santosh Kr. Thakur was placed at Sl.No.1 with 330 marks. Sri Navin Kumar Singh with 329 marks and Sri Sanjay Kumar Chakraborty secured 301 marks. In

pursuance of the merit list prepared Santosh Kumar Thakur and Navin Kumar Singh were promoted. Aggrieved by the selection of Shri Navin Kumar Singh he filed the present O.A.

3. Mr Navin Kumar Singh was added as respondent No.5. However, opposite party No.5 is not contested the application. But official respondents filed their reply.

4. The applicant filed representation after getting the question paper and answer sheet of Navin Kumar Singh through RTI. The main thrust of the representation was that in the advertisement which was made by circular No.1796B - 1885B/B-32019/3(1)/2010-15-A dated 14-7-10, one of the condition was that paper No.2 & 3 option would be available to answer in Hindi or in English with the stipulation that option will be for a complete paper and not for different questions in the same paper. It was further submitted that when admission card was issued similar condition mentioned in the admission card also. Sri Navin Kumar Singh attempted one question in Hindi and one in English. As such it was contended that his one reply should be scored off and as such his 40 marks should be reduced from the total marks and if it is done Navin Kumar Singh will come down to applicant.

5. In reply filed by the official respondents they have admitted that it is true that in advertisement and in the admission card it was mentioned that option should be for a complete paper and not for the different questions but when question paper was prepared the condition was written only to the extent that candidates would have an option to answer the question in Hindi or in English and the stipulation that option would be for complete paper is absent. Consequently the examiner while evaluating the question paper did not take note of the fact mentioned in the advertisement or in the admission card. It was further submitted that result had already been published on merit and similar treatment has been given for all the candidates. Hence it cannot be



said that there is any mala fide in it. It was further submitted that Santosh Kumar Thakur, who ranked first with 330 marks was not added as respondents. If the argument of the applicant is accepted he would be having more marks comparing to Santosh Kumar Thakur. It is also noticed that Sanjay Kumar Chakraborty was also not a party to the O.A. He would also having more marks than the present applicant. It is also worth notice that applicant has not claimed that he has checked the answer sheet of all the 3 persons who were placed above him.

6. The selection process has already been over. The next recruitment was also taken place. Hence we are of the opinion that at this stage relief claimed cannot be granted for want of any malice with the respondent authorities while making the selection. The application lacks merit. Accordingly the O.A is dismissed. There will be no order as to costs.

(Jaya Das Gupta )  
Administrative Member

(Justice V.C. Gupta)  
Judicial Member