

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**ORIGINAL APPLICATION NO. 180/00460 of 2018**

**Thursday, this the 14<sup>th</sup> day of November, 2019**

**CORAM**

**Hon'ble Mr. E.K.Bharat Bhushan, Administrative Member  
Hon'ble Mr.Ashish Kalia, Judicial Member**

Afsal A.S.,  
S/o Abdul Salam,  
Aged 27 years,  
Sibi Manzil, Thazhathu Cherry,  
Eravipuram, Kollam – 691 020.  
Presently residing at:  
Shaji Vihar, Thazhathu Cherry,  
Mayyanad, Kollam – 691 020. .... Applicant

(By Advocate Mr.Anilkumar S.Francis)

Versus

1. The Union of India,  
represented by the Secretary  
to Government ,  
Department of Posts,  
Ministry of Communications,  
Government of India,  
New Delhi – 110 001.
  
2. The Chief Post Master General,  
Kerala Circle,  
Thiruvananthapuram – 695 033.
  
3. The Superintendent of Post Offices,  
Kollam Postal division,  
Kollam – 691 001. .... Respondents

(By Advocates, Mr.N.Anilkumar, Sr.CGSC for Respondents)

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This application having been heard on 8<sup>th</sup> November, 2019, the Tribunal on 14<sup>th</sup> November, 2019 delivered the following :

**ORDER**

**HON'BLE Mr.E.K.BHARAT BHUSHAN, ...ADMINISTRATIVE MEMBER**

OA No.460/2018 is filed by Shri Afsal A.S., aggrieved by his non-selection for the post of Gramin Dak Sevak in the Kerala Postal Circle pursuant to Annexure A1 notification. The reliefs sought in the OA are as follows:

- i) issue an order directing respondents to recalculate the aggregate Xth examination marks of the applicant by using a rational mode or method;
- ii) issue an Order directing the respondents to stop and cancel the recruitment/appointment process till the curing of the error/mistake in calculating the aggregate marks for appointment;
- iii) Grant such other reliefs which are appropriate in the interest of justice.

2. The applicant states that he fulfills all educational qualifications and other eligibility norms for appearing for the selection of Gramin Dak Sevak as per the notification at Annexure A1. He had passed the Xth standard examination in the year 2007. The examination result was in accordance with a grading system. The applicant had got nine 'A+' and one 'A' out of ten subjects, a copy of his Secondary School Leaving Certificate is at Annexure A2. He had applied online through the portal mentioned in the notification. While entering the passed details of Xth standard, the system

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automatically generated that he had scored 845.5 marks out of 900 marks, a copy of the printout is at Annexure A3.

3. When the result for GDS, Kerala Circle was published by the respondent authority, the applicant found himself omitted from the select list. His contention is that candidates who got Grades/Marks less than him found a place among successful persons. He specifically mentions the case of Ms.Sibi Salam A.S. She had passed Xth standard examination in 2005 and the system generated output was 590 marks out of 600 marks for her, thus averaging 93.3333 percent (Annexure A4 and A5 refers). The applicant who had been subject to grading system finds himself assessed against a system that accorded marks to candidates. He submits that this is highly irrational and errors are prevalent in the selection process.

4. As grounds, the applicant submits that Xth examination results of the candidates who applied for the post are different, in the sense they follow either Mark system, Grade system or Grade and Marks system. How the respondents have attempted to achieve equivalence between these two systems is not known to the applicant. Clearly this opaque system has led to mistakes as in this case where the applicant has been rejected while a candidate, Mrs.Sibi Salam A.S gets selected despite having only five 'A' Grades and two 'B+'.

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5. The respondents have filed a reply statement in which contentions of the applicant are disputed. It is true that the applicant had passed SSLC examination in 2007 and his marks list contained only grades. The online system evaluated the grades based on conversion parameters and accordingly the applicant got 845.50 out of 900 marks as is seen at Annexure A3. Thus the applicant was found to have obtained 93.44% which was not adequate for selection.

6. With regard to the system of assessment the following is stated by the respondents in the reply statement. The Board of Examinations of various states including Kerala State and CBSE are awarding grades to the candidates instead of marks. The details of grades and range of marks are as follows:-

<b>CENTRAL BOARD (CBSE)</b>	<b>STATE BOARD</b>
A1	A+
A2	A
B1	B+
B2	B
C1	C+
C2	C

As selection to the post of GDS is based on the marks secured in the matriculation and equivalent examination, a criterion for equivalence between the grading system and the marks system was devised by the

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Postal Directorate. It was decided that:

“Whenever there are applicants for the GDS posts who either possess marks or grading, the method of arriving at the total marks obtained in each of two cases will be as follows:

- a. For applicants with marks, the method will remain the same i.e., their total marks will be worked out by taking into account the marks obtained in the compulsory and elective/optional subjects (other than extra subjects, if any).
- b. For candidates having grades subject-wise, marks will be arrived at in each subject (compulsory and elective subjects but not extra subjects), by applying the multiplying factor of 9.5 in the following manner:-

<b>CENTRAL BOARD (CBSE)</b>	<b>STATE BOARD</b>	<b>GRADE POINT</b>	<b>MULTIPLICATION FACTOR</b>
A1	A+	10	9.5
A2	A	9	9.5
B1	B+	8	9.5
B2	B	7	9.5
C1	C+	6	9.5
C2	C	5	9.5
D1	D+	4	9.5

Where Cumulative Grade Point Average (CGPA) is also provided, the marks will be arrived at by multiplying the CGPA by 9.5. Where individual grades in each subject as well as CGPA is given, the higher of the two marks will be taken. Where two or more candidates have equal marks, the candidates having the higher age (older candidate) will be selected.”

7. It is averred that an unintended error had crept into the selection of Ms.Sibi Salam A.S who appears to have uploaded incorrect marks as 590/600 instead of 615/720 in the GDS online portal which resulted in wrong calculation of percentage. This would result in the forfeiture of the

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candidature of Smt.Sibi Salam in accordance with clause M(5) of Annexure A1 . While the applicant does possess above 90% marks in aggregate on account of high grades he obtained, there were more meritorious candidates who made it to the list and the fact that one of the candidates inputted wrong marks is not evidence that the system is faulty.

8. The applicant filed a rejoinder in which, while reiterating the facts he mentioned in the OA, it is further stated that another candidate, Prabhath P. is seen having scored 97.5% whereas his aggregate percentage of marks as per the system mentioned should be 73.3%. In the additional reply to the rejoinder the respondents point out that Sri.Prabhath's case is also similar to Ms.Sibi Salam. He was also found not fit having keyed in wrong data mentioning his marks as 585/600. This was discovered at the time of verification of original documents and his candidature has been rejected.

9. Heard Shri Abhilash Francis, learned Counsel on behalf of the applicant and Shri N.Anikumar, learned SCGSC on behalf of the respondents. All the documents and pleadings were examined. The confusion in the case has been the result of the equivalence method adopted between different grading systems and wrong inputting of data by candidates. Taking into account the compulsory subjects and elective subjects other than extra subjects and then applying the multiplying factor of 9.5, the respondents have sought to 'equate' the candidates. Further confusion was caused by

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the fact that many candidates possibly out of failure to apprehend the system, entered wrong data, which led to registering incorrect credits. However, when the issue was examined at length by the Tribunal it does not appear that there is any miscarriage of justice. A system of equivalence was necessary under the circumstances and the respondents chose a method which has been explained in detail in the reply statement as also quoted in the order . The candidates referred to were primarily responsible for the errors which are quoted as precedents in the OA. Facts being so, we conclude that the OA is bereft of merit and ought to be dismissed. We accordingly, dismiss the same. No costs.

**(ASHISH KALIA)**  
**JUDICIAL MEMBER**

**(E.K.BHARAT BHUSHAN)**  
**ADMINISTRATIVE MEMBER**

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**List of Annexures in O.A. No.180/00460/2018**

- 1.** Annexure A1 - True copy of the notification no.RECTT/50-1/DLG/2016-17.
- 2.** Annexure A2 - True copy of the Secondary School Leaving Certificate of the applicant.
- 3.** Annexure A3 - True copy of the printout of the online application submitted by the applicant.
- 4.** Annexure A4 - True copy of the Secondary School Leaving Certificate of SIBI SALAM A.S. (Reg. No.R3FC94322843C)
- 5.** Annexure A5 - True copy of the online application submitted by the candidate, SIBI SALAM A.S., Register number R3FC9432284C.
- 6.** Annexure R1 - True copy of Directorate Letter No.17-39/2012-GDS dated 08.01.2014.
- 7.** Annexure A6 - True copy of the S.S.L.C marklist of the candidate, Prabhath P. with Register No.R2CB3582477B1.
- 8.** Annexure A7 - True copy of the relevant page of the results for GDS, Kerala Circle.

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