A Government of India Enterprise
Departmental Examination Branch
Eastern Court, 2nd Floor, Room No.222,
Janpath, New Delhi-110001

F.No.63-61/2010-DE **Dated : 21st September, 2012**

To

All the Chief General Managers of Telecom Circles, BSNL
Chief General Manager Kolkata Telephones /Chennai Telephones, BSNL
Chief General Manager Mtce. NTR, BSNL New Delhi

Sub: LICE in BSNL-Revaluation of answer sheets -Judgement -reg.

Sir,

I am directed to forward herewith a copy of the judgement dated 12-07-2012 of the Hon'ble CAT, Jabalpur Bench in OA No. 70 of 2011 & 04 of filed by Smt. Abha Srivastava and Shri Kartar Singh Yadav respectively in connection with revaluation of answer sheets. The OAs have been dismissed by the Hon'ble CAT, Jabalpur Bench.

2. It is requested that wherever required this judgement may also be quoted in the para-wise comments being prepared to defend the similar cases. The judgement may also be bought to the notice of the concerned Courts in respect of ongoing Court cases, if any, involving the similar issues. .

Yours faithfully,

Encl: As above.

21/9/12

(Shiv Singh)
Asstt. General Manager (DE)
Ph 011- 23765386

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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

ORIGINAL APPLICATION NO.70 OF 2011

Jabalpur, this Thursday, the 12th day of July, 2012

HON'BLE SHRI JUSTICE DHIRENDRA MISHRA, JUDICIAL MEMBER
HON'BLE SHRI G.P.SINGHAL, ADMINISTRATIVE MEMBER

Smt. Abha Shrivastava,
W/o Dr. Sunil Shrivastava,
Aged 49 years, R/o Type III/7,
P & T Colony, Bhadbada Road,
Bhopal – 462003. - Applicant

(By Advocate Shri C.A.Thomas)

Versus

1. Bharat Sanchar Nigam Limited,
(A Govt. of India Enterprise)
7th Floor, Sanchar Bhawan, Janpath,
New Delhi – 110 001.
Through : Chairman-cum-Managing Director

2. Chief General Manager,
Bharat Sanchar Nigam Limited,
(A Govt. of India Enterprise)
MP Telecom Circle, Hoshangabad Road,
Bhopal – 462015.

3. Assistant Director (Rectt)
MP Telecom Circle, Bhopal,
Office of the Chief General Manager,
MP Telecom Circle, Hoshangabad Road,
Bhopal – 462015. - Respondents

(By Advocate – Shri Vijay Shankar Pandey)

AND

ORIGINAL APPLICATION NO.04 OF 2011

Kartar Singh Yadav,
S/O Late Maharaj Singh Yadav,
Aged 54 years, R/o A-482, Street No.14,
A-Block, Sharda Nagar, Bhopal,
Nariyalkheda, Bhopal (M.P.) – 462038 - Applicant

(By Advocate: Shri C.A.Thomas)

Versus

Copy of this order sent to CGBL through email on 20/7/12 AU

1. Bharat Sanchar Nigam Limited,
(A Govt. of India Enterprise)
7th Floor, Sanchar Bhawan, Janpath,
New Delhi – 110 001.
Through : Chairman-cum-Managing Director. - Respondents

2. Chief General Manager,
Bharat Sanchar Nigam Limited,
(A Govt. of India Enterprise)
MP Telecom Circle, Hoshangabad Road,
Bhopal – 462015.

3. Assistant Director (Rectt)
MP Telecom Circle, Bhopal,
Office of the Chief General Manager,
MP Telecom Circle, Hoshangabad Road,
Bhopal – 462015.

(By Advocate – Shri P.Shankaran)

ORDER

BY DHIRENDRA MISHRA, JM.-

1. The aforesaid original applications are being disposed of by this common order as both these applicants are aggrieved by evaluation of their answer sheets pertaining to Junior Accounts Officer, Part-II, Examination held on 4th, 5th and 6th January, 2010 resulting in declaration of less meritorious candidates as successful and depriving the applicants from their promotion on the post of Junior Accounts Officer.

2. Grievance of the applicants, as projected in their applications, is that they participated in the above mentioned examination on the given dates and the result of the examination was declared on 5th March, 2010. The mark sheets were also made available to the applicants vide Annexure-A/2. The applicants applied for furnishing copies of the answer sheets under the Right to Information Act, however, the same was denied and they were informed vide communication dated

18-9-2010 (Annexure-A/3) that they could inspect the answer sheets within 20 days from the date of issue of letter. The applicants inspected their answer sheets and found that several answers to the questions have been cancelled without endorsing any remark and without granting any mark. They have also alleged in the applications that the marks initially granted have been altered and against descriptive answers, no marks have been given to them for several answers. They have further alleged that answer sheets of the applicants have been deliberately not evaluated properly in order to extend benefits to other candidates.

3. Considering the above allegations in the original applications, the applicants' applications for requisitioning answer sheets were allowed and in compliance of the directions of this Tribunal, the original answer sheets of the applicants were produced in a sealed cover by the officer-in-charge of the respondents for our perusal.

4. Sealed envelope was opened in the presence of the applicants as well as learned counsel for the respective parties and answer sheets of all the 5 papers were perused in their presence. On perusal, we found that the concerned valuer has evaluated each and every question attempted by both the applicants. He has put mark of "√" against answers to some of the questions and awarded marks and against answers to some of the other questions "X" mark has been put and no mark has been awarded for such answers. However, each and every question attempted by the applicants have been duly examined.

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5. It is not in dispute that as per Rule 15 (Part-I) of Appendix 37 of P&T Manual, Vol.IV (rules relating to departmental examination), revaluation of answer script is not permissible in any case or under any circumstances, as pleaded in para-18 of the reply and not controverted in rejoinder or during the course of arguments.

6. The law is well settled that in a petition filed for relief of re-evaluation of answer sheet of recruitment task it is not permissible for the High Court to examine the question paper and answer sheets itself, particularly, when the Commission had assessed the inter-se merit of the candidates. If there was a discrepancy in framing the question or evaluation of the answer, it would be for all the candidates appearing for the recruitment examination and not for petitioner only, as has been held by the Hon'ble Supreme Court in the matter of **H.P. Public Service Commission Vs. Mukesh Thakur & Anr.** (AIR 2010 SUPREME COURT 2620).

7. In the instant cases, after perusal of the answer sheets of the applicants, we are of the opinion that no case is made out for direction to the respondents to get the answer sheets revaluated on the stated grounds.

8. In the result, we do not find any substance in these original applications, the same deserve to be and the hereby dismissed without any order as to costs. Answer sheets be returned forthwith.

Sd/—
(G.P. Singhal)
Administrative Member

Sd/—
(Dhirendra Mishra)
Judicial Member

Barve

ए. ट. अ. (प्रक्रिया) नियमावली के नियम 22 के अधीन
निष्पादन संबंधित

पृष्ठांकन सं ओ/न्या. 6020 जबलपुर, दि 13.7.12

प्रतिलिपि अग्रेषित :-

(1) सचिव, उच्च न्यायालय मध्य प्रदेश, जबलपुर
(2) अधिवक्ता श्री/श्रीमती/कु. Shri P. Shankaran Advocate के काउंसल
(3) प्रत्यर्थी श्री/श्रीमती/कु. ..... के काउंसल High Court of M.P. Jabalpur
(4) कंप्यूटर, बेंचक्लर्क, जबलपुर न्यायपीठ मुख्यालय एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

TRUE COPY

Section Officer
Central Administrative Tribunal
Jabalpur Bench Jabalpur