

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9444 of 2014

Unesh Chandra Prasad, Son of Sri Gaya Prasad, resident of Mohalla- New Colony, Mohanpur, P.S. Samastipur, Assistant Superintendent, Post (BD) in the Office of the Chief Postmaster General, Patna and presently posted as Deputy Chief Post Master, Patna G.P.O. 800001.

.... Applicant-Petitioner

Versus

1. The Union of India, through the Secretary-cum-Director General, Government of India, Ministry of Communication and Information Technology, Department of Posts, Dak Bhawan, New Delhi.
2. The Assistant Director General, DE, Government of India, Ministry of Communication and Information Technology, Department of Posts, Dak Bhawan, New Delhi.
3. The Chief Post Master General, Bihar Circle, Patna.
4. The Assistant Director (Recruitment) Department of Posts, O/o the Chief Postmaster General, Bihar Circle, Patna
5. The Superintendent of Post Offices, Samastipur Division.

.... Respondents- Respondents

Appearance :

For the Petitioner : Mr. Gautam Bose, Senior Advocate
Mr. Ajay Kumar, Advocate
Mr. Vikash Jha, Advocate

For the Respondents : Mr. Sanjay Kumar, A.S.G.

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 03-03-2016

The challenge in the present writ petition is to an order passed by the Central Administrative Tribunal, Patna Bench, Patna on 23rd of January, 2014, whereby an Original Application for re-examining the answer sheets of Paper III of the Examination for the selection to the post of Postal Superintendent Group-B for the years 1998-2000 held on July 26th -27th July, 2001 remained unsuccessful.



As per the petitioner, he was posted as Sub Divisional Inspector of Post Offices at Dalsingsarai under Samastipur Division in the year 2000. He appeared in P.S. Group-B Examination held on 26th - 27th July, 2001, but his name did not appear in the successful candidates as he was awarded only 52 marks in Paper III. He submitted an application for re-totalling and re-verification but no action was taken. He filed an Original Application before the Tribunal. In reply it was stated that after re-totalling, the marks of the Petitioner was increased to 60 in Paper III, but still the marks obtained by the petitioner was less than the candidates higher in merit list as total marks obtained by the petitioner was 288 as against 291 marks obtained by the last selected candidate.

The grievance of the petitioner is that Question No.10 of Paper III was in two parts (a) and (b), of 5 marks each in which he got 6 ½ marks, whereas as per Rule 8(k) of the P & T Manual Volume IV requires that every part of the question must be evaluated and marked separately. Therefore, marking of Question No.10 of Paper III is not correct as per the manual itself.

We have heard learned counsel for the petitioner and found no merit in the present writ petition. As per the petitioner, Question No.10 has two parts (a) and (b) each of 5 marks. He has been awarded 6 ½ marks. Therefore, it is apparent that there are cumulative

marks of both Parts (a) and (b). At best, it can be said to be irregularity as the guidelines provided of separate marking, but such irregularity will not affect the ultimate result which may entitle the petitioner to dispute the same and that, too, in an Original Application invoking powers of judicial review of the action of examination. The marks obtained in the examination are not subject to judicial review.

In view of the above, we do not find any error in the order of the learned Tribunal which may warrant interference in the present writ petition. The writ application thus stands dismissed.

(Hemant Gupta, J)

(Navaniti Prasad Singh, J)

Sunil/-

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