

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.**

WRIT PETITION ST NO. 16753 OF 2016

Laxman S/o Balajirao Kalyankar

... Petitioner

VERSUS

The Union of India & Anr.

... Respondents

.....
Mr V. B. Dhage, Advocate for the petitioner
Mr S. B. Deshpande, ASGI for respondents No. 1 & 2
.....

CORAM : **RAVINDRA V. GHUGE, J.**
(VACATION COURT)

DATE : **9TH MAY, 2016.**

PER COURT:

1. The petitioner is before this Court with a limited grievance. At the very outset, the petitioner submits that, if the representation filed by the petitioner on 20.04.2016 is decided strictly in accordance with the Rules applicable, such directions would be sufficient for the redressal of the grievance of the petitioner and, therefore, this petition can be disposed of.

2. The petitioner is one of the several applicants for the examination conducted by the Government of India, Ministry of Railways, Railway Recruitment Cell for Special Recruitment Drive for

Persons with Disabilities for Erstwhile Group "D" post. Pursuant to the said recruitment drive and the public notice, the petitioner has applied through the on line examination process. Clause 6 of the terms and conditions of the examination/important instructions for the candidates, indicates that negative marking would cause a deduction at the rate of $1/3^{\text{rd}}$ of the marks allotted to each question. One mark has been allotted to the right answer and hence deduction was at the rate of $1/3^{\text{rd}}$ of the said mark.

3. The petitioner has placed on record the answer key with regard to his case. According to the petitioner, he had correctly answered 48 questions which would normally fetch him 48 marks. He has answered 30 questions wrongly, which would cause $1/3^{\text{rd}}$ deduction, which should be 10 marks for the incorrect 30 answers. He, therefore, submits that, he would be entitled to 38 marks and as against which, he has been allotted 28.49 marks. He, therefore, submits that, the normalised score of the petitioner should have been 38 marks as against 28.49 marks. He further adds that, his information is, that a candidate who has a normalised score of 36 marks, has been given a call for medical fitness examination scheduled on 20.05.2016.

4. Shri. Deshpande, learned A.S.G.I. appearing on behalf of the Union of India, respondents No. 1 and 2 herein, submits that, pending representation dt. 20.04.2016 can be decided since the contentions made by the petitioner in this petition have been set out in his representation which is pending before the respondent No. 2. He, therefore, submits that, the said representation could be decided.

5. Having considered the above and since the representation is pending, I deem it proper to direct respondent No. 2 to decide the representation of the petitioner dt. 20.04.2016, as expeditiously as possible and preferably on or before 16.05.2016 considering the fact that the medical fitness examination is scheduled on 20.05.2016.

6. In the light of the above and considering the request of the petitioner that this petition can be disposed of, same is disposed of with a direction to respondent No. 2 to decide the representation of the petitioner dt. 20.04.2016 strictly in accordance with its rules and as per clause '6' of the important instructions for the candidates under its Centralized Employee Notice No. 01/2015. If he is found

eligible, the respondents shall issue him a call for the test scheduled on 20.04.2016 and shall then consider his candidature.

7. Parties to act on the authenticated copy of this order.

[RAVINDRA V. GHUGE, J.]