

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.3155/2016
Shakir Ahemad s/o Abdul Rashid

...Versus...

Union of India, through the Secretary, Department of Posts, Ministry of
Communication and I.T. Dak Bhawan, Sansad Marg, New Delhi – 110001 & anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.N. Dighore, Advocate for petitioner

CORAM : SMT. VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : 29.06.2016

By this writ petition, the petitioner challenges the order of the Central Administrative Tribunal, Bench at Nagpur, dated 8.9.2015 dismissing the original application filed by the petitioner and holding that the marks awarded to the petitioner in the departmental examination for selection to the post of Inspector of Post Offices were correct.

The petitioner had claimed promotion to the post of Inspector of Post Offices and the departmental examination was conducted on 4th to 6th January, 2010. The selection of the candidates was based on the marks secured by them in each of the papers. It was the case of the petitioner before the Tribunal that the petitioner was wrongfully awarded less marks though he had answered the questions correctly and the answers were similar to the key answers. The Tribunal, on an appreciation of the material on record including the answer-sheet of the

petitioner in the departmental examination, found that there was no merit in the challenge of the petitioner and the original application was liable to be dismissed. The Tribunal, consequently, dismissed the original application by the impugned order.

On hearing the learned Counsel for the petitioner and on a perusal of the impugned order, we find that there is no scope for interference with the impugned order, in exercise of the writ jurisdiction. The questions and key answers were available on record. The syllabus and the Rules of the examination were also placed before the Tribunal. The answer-sheet of paper no.3 was available, though some of the other answer-sheets were not traceable. On a perusal of the material on record, the Tribunal found that there was no merit in the case of the petitioner that the petitioner was awarded less marks than the marks, that he deserved. The findings recorded by the Tribunal are pure findings of fact and they call for no interference, in exercise of the writ jurisdiction. It would not be possible for this Court, in exercise of the writ jurisdiction to check the question and answer papers to gauge whether the petitioner had answered the questions correctly or not, specially when the evaluation of the answer-sheets would require expertise and it is held by the Tribunal that the marks were rightly awarded.

Since the order of the Tribunal appears to be just and proper, the writ petition is dismissed with no order as to costs.

JUDGE

Wadkar

JUDGE