

**IN THE HIGH COURT OF JUDICATURE, AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH**

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO. 666 OF 2016

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Between:

Natha Sandeep s/o Natha Tata Babu aged about 26 years

....Petitioner

A n d

The Union of India, represented by its Under Secretary Ministry of
Finance Banking Division, Services, Sastry Bhavan, New Delhi and
two others

....Respondents

DATE OF ORDER: 27.01.2016

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO. 666 OF 2016

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ORDER:

The first respondent issued recruitment notification dated 6.7.2015 to the post of Probationary Officers in the Banking Sector. Petitioner being SC candidate submitted his application on 13.7.2015. In the preliminary examination conducted by the second respondent-Institute of Banking, on 4.10.2015, the petitioner was successful. Written examination was held on 31.10.2015. The written examination is an online examination and the candidates are required to attempt questions, which are divided into five different streams viz., Reasoning, English Language, Quantitative Aptitude, General Awareness (with special reference to Banking Industry) and Computer Knowledge. According to the petitioner, though the petitioner is able-bodied person, in the computer allotted to him, he was given additional time slot treating him as disabled person. However, after realizing that the petitioner is not a disabled person, only regular time slot of two hours given to the petitioner. Within the time slot, the petitioner has attempted all the five disciplines. According to the petitioner, he has performed successfully and he was very much confident in securing full marks in the main examination. The petitioner was informed that his candidature was cancelled in the main examination. Surprised by the information given to him, the petitioner filed a complaint before IBPS. In response to the same, the petitioner was subsequently furnished the marks scored. The petitioner was informed that against the cut off score of 7.25 marks he secured only 5.25 marks and therefore, he is not qualified. Challenging the said decision, this Writ Petition is filed.

2. Learned counsel appearing for the petitioner contends that due

to mistake committed by the respondents, the petitioner was given wrong time slot. There was no fault on the part of the petitioner. He further submits that he did not utilize any extra time and attempted all the questions given to him within the time available. Learned counsel submits that the reply given to the petitioner for disqualification, by referring to Clauses (k) and (g) of Recruitment Notification is erroneous and this would show that the petitioner was deliberately disqualified on the assumption that he committed malpractices. In order to cover their deficiency, after the complaint was filed by the petitioner, lower marks were allotted to him and thereby disqualified him. Petitioner attempted 12 questions in the reasoning section and was confident of getting more than cut off marks and therefore, awarding 5.25 marks is erroneous. In support of his contention that for the mistakes committed by the authorities, the petitioner cannot be held responsible and that should have been allowed to appear for interview, he placed reliance on the decision of the Supreme Court in ***C. Tulasi Priya V. A.P. State Council of Higher Education & Others***^[1].

3. Dr. K. Lakshmi Narasimha, learned Standing Counsel for second respondent submits that the petitioner was wrongly given time slot of additional time treating him as disabled person. Thus when the answer script was evaluated, it was wrongly shown the allotment of extra time, and therefore initially the petitioner was disqualified. However, on verification of records, the same was rectified and the answer script of the petitioner was evaluated. In the evaluation it was found that the petitioner was qualified in four sections whereas in 'Reasoning' section, the petitioner has attempted only 12 questions, out of which only 5 were found to be correct answers. By adopting the equalizer principle and also by computing the negative marks, on account of wrong answers given by the petitioner, the petitioner was awarded 5.25 marks whereas the cut off marks was 7.25 in this section. Thus, the petitioner was not qualified to attend interview and

there was no illegality in the selection process adopted. The mistake committed by them initially in evaluation was rectified and the evaluation was properly made.

4. Learned Standing Counsel produced the record of the petitioner's participation in the examination. Page 48 of the record book shows the answers given by the petitioner to 200 questions in five disciplines. In first discipline, petitioner attempted question Nos. 27 to 35, 37, 38 and 50. In the evaluation it was found that the petitioner has attempted correctly so far as question Nos. 27, 28, 29, 35 and 50 are concerned and answers given by the petitioner to question Nos. 30 to 34, 37 and 38 were wrong. The original record would show that there was no illegality in the assessment made by the second respondent. The contention of the learned counsel for the petitioner that the petitioner has answered 12 questions correctly attempted by him in the reasoning section is not correct and he secured only 5.25 marks. The petitioner has not even secured minimum cut off marks of 7.25. As seen from the notification issued, the candidate, in order to secure eligibility for interview, he must acquire minimum cut off marks in each of the five disciplines. In four sections, the petitioner secured more than cut off marks but in the 'test of Reasoning' he secured less than cut off marks. Thus I see no illegality in disqualifying the petitioner for interview.

5. The decision relied on by the petitioner relates to an admission to a Medical College. As seen from the facts of the said case, the petitioner was given wrong series of question paper and having realized that the petitioner was given wrong series of question paper 20 minutes after the commencement of examination, right series of question paper was given. However, took 10 more minutes to give the correct series of question paper. Thus, the petitioner lost thirty minutes time. Having found that there was an irregular system followed and for no fault of the candidate, the candidate suffered and to do justice the Court granted relief in favour of the candidate and

directed to grant admission to a medical college. The decision of the Supreme Court, relied on by the petitioner, is not applicable to the facts and circumstances of the present case.

6. In the instant case, though the petitioner was agitating about the granting of extra time and then reducing the same, as fairly submitted by the learned counsel for the petitioner during the course of arguments that the petitioner has answered whatever the answers he wanted to attempt within the time frame of two hours granted to him and he has not utilized the additional time given to the disabled persons. The only grievance of the petitioner is that he is a meritorious candidate and that he is very much confident about all 12 questions attempted by him in reasoning section were correct.

7. Perusal of the record would show that such contention has no merit and seven questions answered by the petitioner were wrong and only 5 questions answered by the petitioner were correct and by following the calculation procedure as envisaged in the recruitment notification, petitioner secured only 5.25 marks whereas the cut off marks was 7.25. Therefore, I see no illegality in evaluation of the answer script of the petitioner.

8. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

P. NAVEEN RAO, J

Date: 27.01.2016
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[\[1\]](#) 1998 (5) SLR 676