

The Hon'ble Sri Justice C.V.Nagarjuna Reddy
and

The Hon'ble Sri Justice M.S.K.Jaiswal

Writ Petition No.10755 of 2016

—
Date: 07.04.2016

Between:

K.Bala

.. Petitioner

and

Union of India
rep. by the Chairman
Railway Board
Rail Bhavan, New Delhi and 3 others

.. Respondents

Counsel for the petitioner :

Mr.KRKV.Prasad

—
—
—
—

The Court made the following:

—
—
—

Order : (Per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Writ Petition is filed for a Certiorari to quash Order, dated 28-01-2016, in OA.No.021/00740 of 2014 on the file of the Central Administrative Tribunal, Hyderabad.

We have heard Mr.KRKV.Prasad, learned Counsel for the petitioner, and perused the record.

The petitioner is a Senior Section Officer (Accounts) in the office of respondent No.3. She appeared for Limited Departmental Competitive Examination (LDCE) for selection to group 'B' post of Assistant Accounts Officer against 30% quota in pursuance of notification, dated 20-09-2013. In order to qualify in the said examination, the candidates belonging to unreserved community should get a minimum of 90 out of 150 marks in each of the two papers. The petitioner belongs to the unreserved community. Out of the 182 candidates, who applied for the examination, 108 candidates appeared for Paper- I and 106 candidates appeared for Paper- II on 28th and 29th of November, 2013 respectively. The petitioner secured 108.5 out of 150 marks in Paper- I and 69

out of 150 marks in Paper II. Therefore, he failed to get qualified in the said examination. The petitioner applied for revaluation of Paper- II *vide* representation, dated 21-02-2014, made to the Senior Deputy General Manager (Vigilance), South Central Railway. As no response was received to the said representation, she made a further representation on 04.03.2014. The petitioner has secured copies of her evaluated answer sheets under the Right to Information Act, 2005 (for short 'the Act') on 10.04.2014 and 11.04.2014 and on perusal of the same, she found that in the answer sheet pertaining to Paper- II, no tick mark or any mark was left by the valuer. The petitioner has, therefore, asked for key of both the papers under the Act and a reply was given on 15.04.2014 to the effect that no key was prepared for Paper- II as no objective type questions were prescribed. Feeling aggrieved by the non re-valuation of Paper- II answer sheet, the petitioner filed the above mentioned OA before the Tribunal. By a detailed order impugned in this Writ Petition, the Tribunal has dismissed the same.

At the hearing, the learned Counsel for the

petitioner submitted that as per the Railway Board Circular annexed as R.1 to the reply statement, Note 3 below guideline No.9.1 envisaged as under:

“Proper and uniform evaluation of the answer sheets especially for narrative type of answers should be ensured. In order to achieve this objective, the officer evaluating the answer sheets before starting the evaluation should keep ready the correct answers for the questions, separately for the objective and narrative type and evaluate the answer sheets with reference to these answers.”

The learned Counsel submitted that the counter-affidavit filed on behalf of the respondents did not contain the plea that before starting evaluation, the Officer evaluating the answer sheets should keep ready the answers separately for both objective and narrative type questions and evaluate the answer sheets with reference to those answers and that therefore, the whole procedure followed by the respondents in evaluating paper- II was contrary to the guidelines.

From a perusal of the order of the Tribunal, we find that this issue was clearly considered and it has held as under;

“Then the moot point that would arise is whether the absence of correct answers for evaluating a narrative type question paper would justify a re-evaluation. In view of the statement of the respondents that the evaluator had prepared a gist of important points before commencing the evaluation and also in view of the fact that the evaluator has evaluated one question at a time of all the answer scripts, we hold that sufficient care has been taken to ensure uniformity in evaluation. There is no case here that the evaluator had any prejudice or bias against the applicant. There is also no contention that the answer sheets of the applicant have been evaluated by applying a different yardstick. Hence, even if there has been any casualness in approach, as alleged by the applicant, the same approach would have been adopted while assessing the other candidates also. Further, after being judged by the same set of standards, 49 candidates have secured more marks than the applicant in Paper-II. We also hold that the applicant’s submission that “no tick mark or any kind of remark/mark” has been made by the evaluator in her answer sheet is not a valid ground for seeking re-evaluation of her answer scripts as each examiner would have his own style for evaluation. Further, from the answer sheet produced by the applicant, she has been awarded marks for all six questions answered by her. From this, it would be necessary to conclude that the evaluator

has considered all the answers and awarded marks accordingly. As such, no error in evaluation has been established by the applicant.”

On a careful consideration of the reasons given by the Tribunal, we are satisfied that they are not only sound but also rational and therefore, this Court has no reason to interfere with the order of the Tribunal.

For the above mentioned reasons, the Writ Petition fails and the same is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.13535 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

—

(M.S.K.Jaiswal, J)

Dt: 7th April, 2016
lur

