

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE G.SHYAM PRASAD

WA.No.763 of 2016

Date:26.8.2016

Between:

Natha Sandeep,
S/o N.Tata Babu

..... Appellant

And:

The Union of India, repled by its
Under Secretary, Ministry of Finance
Banking Division, New Delhi and two others.

....Respondents

Counsel for the appellant: Mr. N.Tata Babu

Counsel for respondent No.1: Mr. B.Narayana Reddy
Asst. Solicitor General

Counsel for respondent No.2: Dr. K.Lakshmi Narasimha

The Court made the following:

JUDGMENT: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

This Writ Appeal arises out of order, dated 27.01.2016, in Writ Petition No.666 of 2016.

We have heard Mr. N.Tata Babu, learned counsel for the appellant and Dr. K.Lakshmi Narasimha, learned Standing Counsel for the Institute of Banking-respondent No.2.

Respondent No.1 has issued recruitment notification, dated 06.7.2015, to the post of Probationary Officers in the Banking Sector. The appellant being S.T. candidate submitted his application on 13.7.2015. He has got through the preliminary examination conducted by respondent No.2 on 04.10.2015 and appeared for the written examination held on 31.10.2015. The written examination comprises five different streams, viz., Reasoning, English Language, Quantitative Aptitude, General Awareness (with special reference to Banking Industry) and Computer Knowledge. During the written examination, he was given the time slot applicable to a disabled person which is more than the time slot of two hours allowed for a normal person. However, it is the pleaded case of the appellant that he has not availed the extra time slot which was allowed to him, obviously, as a mistake. During the evaluation of the answer sheets, the officials of respondent No.2 have cancelled the appellant's candidature due to the mistake of allotment of additional time slot to him. However, on the appellant's representation,

respondent No.2 has evaluated his answer sheets. As he could not secure the minimum marks of 7.25 in the 'Reasoning' stream, though he has secured the minimum marks required for passing the written examination in all the other four streams, he was failed. Assailing the same, he has filed the afore-mentioned Writ Petition.

The learned single Judge has called for the records containing the answers given by the appellant to 200 questions in all the five streams. The learned single Judge has observed that while the appellant has secured the minimum required marks in all the other four streams, he has answered 5 out of 12 questions correctly as regards the 'Reasoning' stream and consequently, secured only 5.25 marks as against the minimum prescribed marks of 7.25.

The learned single Judge has also considered the judgment in *C.Tulasi Priya Vs. A.P. State Council of Higher Education & Others*¹, on which heavy reliance was placed by the learned counsel for the appellant, and held that the facts in the said case are not similar to the facts in the present case as, in the said case, the candidate was provided with wrong series of question paper; that the said mistake was realised 20 minutes after the commencement of the examination; that it took 10 more minutes' time for giving the right series of question paper to the

¹ 1998(5) SLR 676

candidate; and that, thereby, a total of 30 minutes time was denied to the candidate in the process.

On those facts of the case, the Supreme Court has held that the mistake committed by the administration has caused loss of valuable time to the candidate which affected his performance in the examination.

As rightly observed by the learned single Judge, the facts in the said case bear no similarity to the facts in the present case where it is the pleaded case of the appellant himself that though by mistake, extra time slot was allowed to him, he was able to complete the examination within the normal time slot of two hours. It is not his pleaded case that as he was under a mistaken impression that he was allowed extra time, he could not attempt all the questions within the normal time of two hours.

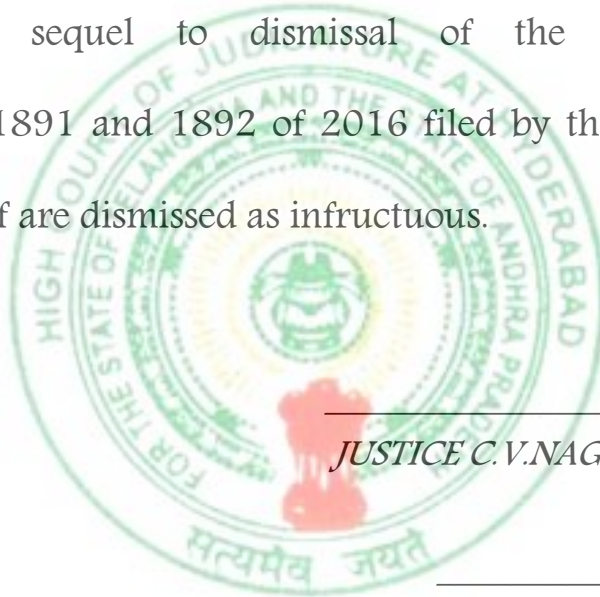
Learned counsel for the appellant has strenuously contended that his client has firmly believed that he has given right answers to all the 12 questions in 'Reasoning' stream. While impression of a candidate appearing in the examination is one thing, reality is quite a different thing. Merely because the candidate believes that he/she has given right answers, his/her belief is not conclusive as far as the result of the examination is concerned. His performance needs to be evaluated by the experts in the field and the appellant failed to produce any evidence to show that though he has given right answers in the 'Reasoning' stream, the Valuer has denied him marks to such

right answers. The learned single Judge has himself examined the answers and found that the appellant has given right answers only to 5 out of 12 questions in the 'Reasoning; stream and thereby, failed to secure the minimum marks of 7.25.

In the afore-mentioned facts of the case, we do not find any reason to interfere with the well-considered order of the learned single Judge.

The Writ Appeal is, accordingly, dismissed.

As a sequel to dismissal of the Writ Appeal, WAMP.Nos.1891 and 1892 of 2016 filed by the appellant for interim relief are dismissed as infructuous.



JUSTICE C.V.NAGARJUNA REDDY

JUSTICE G.SHYAM PRASAD

26th August 2016

DR