

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12757 of 2016

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Binod Kumar Singh, Son of Late Madan Singh, Resident of Village- Maharajganj, Post Office- Hariharganj, Police Station- Kutumba, District- Aurangabad, at present posted as Postmaster, Grade-I, Lalganj, Post Office- Vaishali Division, Hajipur Post Office, Vaishali.

.... Petitioner

Versus

1. The Union of India through the Secretary-cum-Director General, Department of Posts, Dak Bhawan, New Delhi.
2. The Assistant Director General (DE), Government of India, Ministry of Communication & Information Technology, Department of Posts, DE Section, Dak Bhawan, Sansad Marg, New Delhi.
3. The Chief Postmaster General, Bihar Circle, Patna.
4. The Assistant Director (Recruitment), O/o the Chief Postmaster General, Bihar Circle, Patna.
5. The Sr. Superintendent of Post Offices, Patna Division, Patna. At present Sr. Superintendent of Post Offices, Vaishali Division, Hajipur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Respondent/s : Mr. Rajesh Kumar Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 16-03-2017

Petitioner has been litigating hoping for a few extra marks in the various papers for which examination was conducted by the Postal Department based on which a candidate would have become eligible for promotion. When the result was announced, he was found not to have qualified in some of the papers. Not being satisfied with the evaluation and the declaration of result, he sought a direction for re-evaluation or re-totaling. He then moved the Central



Administrative Tribunal by filing OA 658/2005, which stood disposed of with a direction upon the Chief Postmaster General to ensure that a correct and fair marking was done and a kind of re-evaluation of the answer-sheet was conducted. Such exercise was ordered not to be treated as precedence for other cases. Re-evaluation of the answer-book of the petitioner did not give a different result. The marks remained the same, and, therefore, a second round of litigation started when he filed OA 249/2008, which was heard and dismissed on 20th of December, 2013 and now the present writ application.

The Court has gone through the narration of facts which are not a matter of dispute. This Bench is in agreement with the findings given by the Tribunal that no relief could be given to the petitioner. Since after re-totaling and re-verifying the answer-sheets of the petitioner, no variation in the final result emerged.

As a last ditch effort counsel for the petitioner submits that in the past average marking has been given if the answer-sheets were not available. He also cited few instances before the Tribunal. In the present case, answer-sheet of the petitioner was re-evaluated and re-totaled. If the outcome of the exercise so done, at the instance of the Tribunal's previous direction contained in Annexure-5 did not throw up a different result, the facts cannot be improved merely by repeated litigation.



The writ application, therefore, has no merit. The order of the Tribunal is not required to be modified or interfered with. Writ is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.03.2017
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