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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 601/2017**

SANJAY KUMAR JHA Petitioner
Through **Mr. Ajay Verma, Advocate.**

versus

GOVERNMENT OF NCT OF DELHI AND ORS..... Respondent
Through **Mr. Sanjay Dewan and Ms. Palak,**
Advocates for R-1, 2, 3 & 5.
Mr. Rajesh Kumar, Advocate for R-4.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **23.01.2017**

C.M. No.2774/2017

Exemption allowed, subject to all just exceptions.

W.P. (C) No.601/2017

Having heard counsel for the petitioner, we are not inclined to interfere with impugned order dated 4th February, 2016, whereby OA No.3344/2014 filed by the present petitioner-Sanjay Kumar Jha has been dismissed by the Principal Bench of the Central Administrative Tribunal.

2. The petitioner had appeared in the Common Assistant Accounts Officer Examination, 2011. He did not clear the said examination. He had some reservation on the marking of the papers and had submitted a representation vide letter dated 20th May, 2013 for re-

checking of the answer sheets. The answer sheets were re-checked by the Controller General of Accounts and there was no change in the marks awarded to him in any of the subject.

3. Subsequently, after obtaining information under the Right to Information Act, 2005, the petitioner made another representation for revaluation of the Public Works Accounts paper. Revaluation was done and vide letter dated 21st January, 2014, the marks of the petitioner were increased in the said paper from 73 to 75. However, this does not result in change or modification in the overall result. The respondents have also explained the reason for change in marks awarded to the petitioner in Public Works Accounts subject/paper. The marking on the second occasion was done by step-wise marking method.

4. The petitioner thereafter filed OA No.3344/2014 before the Tribunal on 16th September, 2014, praying for setting aside the order/communication of the respondent and declare that the revaluation of Public Works Accounts paper was wrong.

5. The primary contention of the petitioner was that during the revaluation, his marks in question No.1 were revised/reduced from 36 to 31. His contention was that he should be awarded 36 marks.

6. We are afraid, when the petitioner had asked for revaluation of entire paper, he had also taken the risk of reduction of marks in some answers. We cannot permit and allow the petitioner to ask the Court to sit as a super examiner and carry out revaluation.

7. The Tribunal had called for the original answer sheet and examined the same along with model answer. They have commended

the manner in which revaluation was done and marks were awarded. There would be no ground or reason to disbelieve and discard the aforesaid exercise undertaken by members of the Tribunal. It would be debatable whether such exercise would be justified, albeit the Tribunal to do substantial justice and ensure that the petitioner should be satisfied had personally taken the said burden. Request made now for another revaluation must be rejected.

7. Looking at the totality of facts, we are not inclined to interfere with the impugned order. Accordingly the writ petition is dismissed.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

JANUARY 23, 2017
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