IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11833 of 2019

==

Umesh Upadhyay S/o Late P.R. Upadhyay, Resident of Mohalla-Pankha Toli, Maharaj Colony, P.O.-Ramna, District-Muzaffarpur.

... ... Petitioner/s

Versus

1. The Union of India through the Chairman Cum Managing Director, Bharat Sanchar Nigam Limited, Bharat Sanchar Bhawan, Harish Chander Mathur Lane, Janpath, New Delhi.
2. The Chief General Manager, Telecommunication, BSNL, Bihar Telecom. Circle, Sanchar Sadan, Patna.
3. The G.M.(A), telecommunication, BSNL, Sanchar Sadan, Patna.
4. The Deputy General Manager, Telecommunication, BSNL, Sanchar Sadan, Patna.
5. The Assistant General Manager (Administration), Telecommunication, BSNL, Sanchar Sadan, Patna.
6. The General Manager, Telecommunication, BSNL, Muzaffarpur.

... ... Respondent/s

==

Appearance :

For the Petitioner/s	:	Mr. J.K. Karn, Advocate Mr. Manoj Kumar, Advocate
For the Respondent/s	:	Ms. Renuka Sharma

==

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 17-06-2019 Heard learned counsel for the petitioner.

Two principal grounds have been pressed before the Court while questioning the impugned order of the Tribunal, namely that the marks originally awarded to the petitioner have been scored out and lesser marks have been awarded and, secondly, in view of the two judgements relied on by the learned counsel for the petitioner, such a course of re-evaluating the answer book is permissible.

We have considered the submissions raised. The Tribunal has categorically extracted Rule 14 and Rule 15 of the Departmental Competitive Examination for Junior Accounts Officers Rules that is applicable to the controversy. The said rule is not under challenge nor the procedure provided therein has been questioned. The Rules are contained in the Post and Telegraph Manual. The same provides for re-totalling and verification of marks and the note appended thereto clearly specifies that the only scrutiny intended under the Rule is to ensure that all answers have been assessed and there is no mistake in the totalling of the marks. Rule 15 specifically provides that re-evaluation of the answer-sheets is not permissible in any case or in any circumstance. As noted above, the Rule being intact and there being no challenge raised to the same, the relief prayed for, for re-evaluation was rightly declined by the Tribunal.

So far as the question of assessment of answers is concerned, we find from the impugned judgement in paragraph 15 that two questions that were to be evaluated had been left unassessed and, accordingly, a direction has been given for its assessment and evaluation by an officer other than the one who had originally evaluated the answer-sheet.

We find that sufficient relief has been granted by the Tribunal keeping in view the said Rules and the judgements which have been cited by the learned counsel for the respondents and have been appended along with the writ petition do not come to his aid keeping in view the aforesaid clear position of law.

The petition therefore has no merit and is accordingly dismissed.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

K.C.Jha/-

U			