



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 26-03-2026

DATE OF DECISION : 06-04-2026

CORAM

**THE HONOURABLE MR JUSTICE P.VELMURUGAN
AND
THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI**

WP No.47502 of 2025

1. Union of India
Rep.by its Secretary
Ministry of Communication and IT Broadcasting
New Delhi
2. The Chief Post Master General (Recruitment)
Tamil Nadu Circle, Mount Road, Chennai-2
3. The Deputy Director
Department of Posts - India
Foreign Post, Chennai-1

Petitioners

Vs

Meena Baskaran
Roll No.TN/LGO/2014/FP/07
MTS, Foreign Post, Chennai-600 001

Respondent

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records of O.A.No.749 of 2017 dated 15.04.2025 passed by Hon'ble Central Administrative Tribunal, Chennai Bench, thereby quashing the impugned order.

For Petitioners: Mr.AR.L.Sundaresan
Additional Solicitor General of India
assisted by Mr.K.Ramanamoorthy
Senior Panel Counsel



For Respondent: Mr.M.L.Ramesh

P.Velmurugan J.

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Aggrieved by the order passed by the Central Administrative Tribunal, Chennai Bench in O.A.No.749 of 2017 dated 15.04.2025, the petitioners/Department of Posts have filed the present writ petition.

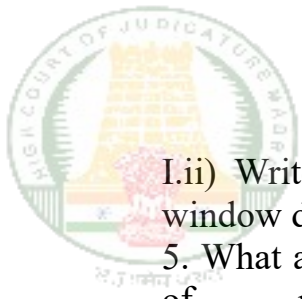
2. The respondent filed the original application before the Central Administrative Tribunal, Chennai Bench seeking to quash the order passed by the third petitioner in Memo No.FP/STA/OA-107/2015 dated 22.03.2017 and to direct the respondents to promote the respondent to the post of Postal Assistant. The case of the respondent is that while she was working as Multi Tasking Staff (LGD), Foreign Post in the Department of Posts, appeared for the examination on 20.07.2014 for promotion to the cadre of Postal Assistant. The third petitioner published the results showing that the respondent had not secured the required marks in the examination conducted for promotion. Therefore, the respondent applied under the Right to Information on 07.08.2014 for furnishing the answer sheet and the same along with answer key were supplied to her on 25.08.2014, wherein it was found that question No.1(i) was out of the syllabus and though correct answer was given for question No.5, marks were not awarded for the same. The respondent submitted a representation for revaluation, but the same was not acceded to vide order dated 12.09.2014.



Hence, the respondent submitted a detailed representation dated 16.10.2014 seeking to re-evaluate the answers, for which the second petitioner vide order dated 12.01.2015 informed the respondent that she obtained 33 marks in Paper III, instead of 28, after re-evaluation. Therefore, the respondent earlier filed O.A.No.107 of 2015 and the Tribunal issued a direction to the petitioners to re-examine the case and pass a speaking order. Subsequently, the petitioners passed the order dated 22.03.2017 holding that the respondent had secured only 38 marks as against 40 marks for UR category and hence not eligible for promotion for the post of Postal Assistant. Aggrieved thereby, the respondent filed O.A.No.749 of 2017 seeking for the aforesaid relief on the ground that since the first question is out of syllabus, the same should be excluded and the total marks should be taken as 95 and not as 100 and that the respondent after revaluation having secured 38 marks out of 95, she has secured the qualifying marks and hence eligible for promotion.

3. The petitioners filed their reply statement stating that when the respondent submitted a representation dated 16.10.2014 to re-evaluate the answers given by her in the examination, the same was forwarded to the officer who set the question paper for obtaining comments, as shown hereunder:

Question No.(Paper III)	Answer as per key	Request of the candidate
1.i) Write short notes on Spoilt or defaced stamps	Clause 13 of Post Office Guide Part I	Out of syllabus and is not prescribed for LGO Examination to the cadre of Assistants in Foreign post.



I.ii) Write short notes on Clause 57 of Post Office Rule No.82 at Page No.83 window delivery Guide Part I in Foreign Post Manual
5. What are the conditions Rule 125 of Post Office Rule 315 of Foreign post of payment of Guide Part II manual 1980 edition
compensation in respect of Foreign parcel

The second petitioner vide letter No.REP/4-3/Misc/2014 dated 06.01.2015 communicated the comments of the officer to the respondent, in respect of the questions mentioned below:-

Paper III- Questions

Revised Key

I(i) Write short notes on spoilt or defaced stamps Question 1(i) is excluded from the purview of evaluation as the said question is taken from PO guide Part I, which is out of syllabus.

1(ii) Write short notes on window delivery The marks are revised as below:

Question No.1(ii) - 6 marks

1(iii) Write short notes on Air Mail Money orders Question No.1(iii) - 6 marks

Question No.1(iv) - 8 marks

1(iv) Write short notes on Bulk Bag system Total marks - 20 marks

1(ii) Write short notes on window delivery The key given as Clause 57 of PO Guide Part 1, is revised as Rule No.82 of Foreign Post Manual

5. What are the conditions of payment of compensation in respect of Foreign parcel The key provided as Rule 125 of PO Guide Part II is correct, since the PO Guide Part II is covered under the syllabus

4. It was further stated that the examiner is guided by the key given by the officer who set the question paper. Since the key got changed in respect of question No.1 as detailed above, the competent authority ordered for revaluation of answer scripts of the candidate in respect of Paper III by an independent examiner, as per instructions contained in Directorate letter No.



A-34018/10/2010-DE dated 02.08.2010 and after re-evaluation, the revised marks were furnished to the respondent, as shown below:

TN/LGO/2014/FP/07	1(i)	1(ii)	I(iii)	I(iv)	Total
Marks obtained	Not attempted by the applicant	0	2	2	4
Marks obtained after revaluation	Excluded from purview of evaluation	5	2	2	9

It was also stated that question No.1(i) was excluded from the purview of evaluation during revaluation of paper II of the respondent and regarding question No.5, as per the order in O.A.No.107 of 2015, the case of the respondent was again re-examined by the competent authority and she was awarded 5 marks out of 6 marks to the question 1(ii) carrying her total tally from 33 to 38. Hence the averment of the respondent that she was not awarded mark for question No.1(ii) is not correct. Before filing OA No.107 of 2015 or revaluation, the respondent got 33 marks in paper III and after revaluation, the respondent's mark is 38. After two re-evaluations, the total marks of the candidate in Paper III were revised from 28 to 38. However, as the qualifying marks for General Category candidate in each paper is 40%, the respondent being a UR candidate has not qualified and not eligible for promotion to the post of Postal Assistant.

5. The Tribunal, after hearing both sides, allowed the original application by quashing the order dated 22.03.2017 and directed the petitioners to promote



the respondent with effect from the date of declaration of result, i.e., 04.08.2014 with all consequential benefits including the backwages, within a period of three months from the date of receipt of a certified copy of the order. The Tribunal also thought it fit to impose costs of Rs.25,000/- on the petitioners, which shall be payable to the Tamil Nadu Legal Services Authority within a period of two months. Challenging the same, the Postal Department is before this Court.

6. The learned Additional Solicitor General appearing on behalf of the petitioners would submit that the Tribunal has misconceived the facts and has wrongly allowed the claim of the respondent for promotion to the post of Postal Assistant from the date of publication of results with all consequential benefits by the impugned order. He would submit that when the respondent was awarded 33 marks on re-evaluation of her answer script from the original 28 marks in respect of question No.5 in Paper-III and in compliance with the order of the Tribunal in O.A.No.107 of 2015, the competent authority has re-examined the question paper and the answer script of the respondent and has re-distributed the 20 marks for question no.1(ii), 1(iii) and 1(iv) with 6 marks, 6 marks & 8 marks respectively, after excluding question no.1(i) from the purview of evaluation since it was not attempted by the candidate, thereby the respondent secured only 38 marks even after the second evaluation without getting the qualifying marks of 40% for General Category candidates, the Tribunal exceeded its jurisdiction by assuming the role of an examiner and assigned the marks of 6, 2.4 and 3.2



for question nos.1(ii), 1(iii) & 1(iv) respectively, which requires interference at the hands of this Court. The learned Additional Solicitor General also submitted that the Tribunal has wrongly imposed costs of Rs.25,000/- on the Department, when the Department acted promptly by considering the case of the respondent in pursuance of the order passed by the Tribunal in O.A.No.107 of 2015, which is liable to be set aside.

7. The learned counsel appearing on behalf of the respondent submitted that the order of the Tribunal requires no interference at the hands of this Court, since the Tribunal has appreciated the facts pleaded by the respondent and has passed a reasoned order.

8. We have heard the learned counsel appearing on either side and perused the materials available on record.

9. At the outset, we are unable to agree with the contentions of the learned Additional Solicitor General appearing on behalf of the petitioners, for the following reasons. It is not in dispute that the respondent applied for promotion to the post of Postal Assistant and took the departmental examination on 20.07.2014. When she was declared failed on the ground that she secured only 28 marks in Paper III, instead of the qualifying marks of 40%, the respondent made a representation for revaluation of her answer script claiming that



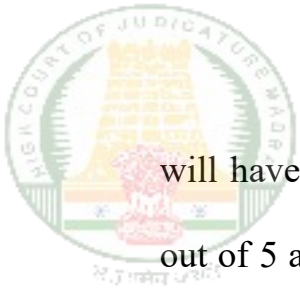
Question No.1(i) carrying 5 marks was out of syllabus and no marks were awarded for Question No.1(ii) carrying 5 marks, although the answer was correct and that no marks were awarded for Question No.5, even though the alternate answer of the respondent was correct. After obtaining the clarification from the officer who set the paper, it was found that Question No.1(i) was out of syllabus and the answers of the respondent for Question No.1(ii) and for Question No.5 were correct. However, the respondent was awarded 5 marks for Question No.1(ii) and the total was shown as 33 marks. Similarly, the 5 marks allotted to Question 1(i), which was out of syllabus was distributed among Question 1(ii), 1(iii) & 1(iv) as 6, 6 and 8 marks respectively, without any proportionate increase in marks for Question No.1(ii), 1(iii) & 1(iv) allowed to the respondent on such redistribution, by the Department only in respect of the respondent alone, instead of all the candidates. No marks were allowed to Question No.5. The stand of the Department was that since the respondent obtained only 33 marks out of 100 after re-evaluation instead of the required 40% marks, she did not qualify. Aggrieved thereby, the respondent filed the O.A.No.107 of 2015 and the Tribunal, after examining the issue whether there was any ambiguity in the Question No.5 that it related to domestic or foreign post and whether the answer provided by the respondent was correct in respect of foreign posts and whether any benefit of doubt could be granted or not, disposed of the original application by directing the petitioners to re-examine this aspect and pass a reasoned and speaking order. Pursuant thereto, the



respondent was awarded 5 marks for Question No.5 making her total mark as 38 out of 100.

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10. The case of the respondent is that she obtained 38 out of 95 which is 40% and therefore has passed the departmental examination, on the basis that the 5 marks for Question 1(i) should have been reduced out of total marks bringing it to 95 instead of 100, as the said question was treated as out of syllabus. However, the stand of the petitioners is that the officer preparing the paper and answer key has redistributed the marks of out of syllabus Question 1(i) amongst Question 1(ii), 1(iii) & 1(iv) and therefore the total marks remain 100. This stand of the petitioners cannot be accepted, since there is no indication on the proportionate increase in marks that should have been awarded to the respondent for Question No.1(ii), 1(iii) & 1(iv) after redistribution of marks of Question No.1(i) across these questions. Moreover, the petitioners have adopted this approach so far as the respondent is concerned and the said yardstick has not been adopted in respect of all the candidates. Therefore, as rightly held by the Tribunal, one option would be to remove the marks of the out of syllabus question, which would give the respondent 38 out of 95 amounting to 40%. The other course adopted by the petitioners i.e., redistribution of marks across Question 1(ii), 1(iii) & 1(iv) would also increase the marks obtained by the respondent in proportion to the increased marks allotted to those questions, namely, the respondent who was awarded 5 marks out of 5 for Question 1(ii)



will have to be awarded 6 marks out of 6 on redistribution. Similarly, 2 marks out of 5 awarded for Question 1(iii) will be 2.4 out of 6 on redistribution and in the same way, 2 marks out of 5 for Question 1(iv) will be 3.2 out of 8. This would give an increase of 2.6 marks to the respondent. Therefore, if the total marks is kept as 100, the marks obtained by the respondent would be 40.6 (38+2.6). This is more than 40%. We, therefore, agree with the order passed by the Tribunal that the respondent has obtained the pass marks of 40% in the departmental examination for promotion to the post of Postal Assistant in Foreign Post and is entitled to all the consequential benefits including the backwages for no fault on the part of the respondent. For the above reasons, we are not inclined to interfere with the costs imposed on the petitioners payable to the Tamil Nadu State Legal Services Authority, as directed by the Tribunal.

11. In view of the above, this Court does not find any infirmity or perversity in the order passed by the Tribunal and the writ petition is, accordingly, dismissed. The petitioners are directed to comply with the order of the Tribunal within a period of six weeks from the date of receipt of a copy of this order. Consequently, the interim order stands vacated and the WMP No.53042 of 2025 is also dismissed.

(P.VELMURUGAN J.) (K.GOVINDARAJAN THILAKAVADI J.)
06-04-2026



Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. The Registrar
Central Administrative Tribunal
Chennai Bench, Chennai-104
2. The Secretary to Union of India
Ministry of Communication and IT Broadcasting
New Delhi
3. The Chief Post Master General (Recruitment)
Tamil Nadu Circle, Mount Road, Chennai-2
4. The Deputy Director
Department of Posts – India
Foreign Post, Chennai-1



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WP No.47502 of 2025



**P.VELMURUGAN J.
AND
K.GOVINDARAJAN
THILAKAVADI J.**

SS

**Order in WP No.47502
of 2025**

06-04-2026