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## **R. Uma Magesh Vs Union of India**

### **Writ Petition No. 16711 of 2013**

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**Court:** Madras High Court

**Date of Decision:** Aug. 13, 2014

**Hon'ble Judges:** Satish K. Agnihotri, J; M.M. Sundresh, J

**Bench:** Division Bench

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### **Judgement**

@JUDGMENTTAG-ORDER

1. While working as a Postman, the petitioner herein appeared for LGO examination which held on 06.11.2009. He wrote all the three papers. In

respect of Paper No. 1, the petitioner secured 39 out of 100 marks. After getting information under the Right to Information Act, 2005 and after

obtaining answer book and key answers, the petitioner made a request for revaluation. The petitioner's request was rejected by the respondents 1

to 5. Challenging the same, an application was filed by petitioner before the Central Administrative Tribunal in O.A. No. 292 of 2011. The said

application was rejected by the Tribunal. Hence, the present writ petition has been filed challenging the order passed by the Tribunal.

2. The learned counsel for the petitioner submitted that some of the answers written by the petitioner have not been given any marks by giving 0

mark; insofar as Question No. 8, the answer given by the petitioner for Memorandum is also a correct one; further, there is no bar for entertaining

revaluation in the light of the communication dated 02.08.2010 issued by the Government of India, Ministry of Communication and Information

Technology of Posts. In support of his contention, the learned counsel for the petitioner made reliance upon the following judgments:

i Kanpur University and Others Vs. Samir Gupta and Others, ;

ii H.P. Public Service Commission Vs. Mukesh Thakur and Another, ;

iii unreported judgment of Division Bench of Kerala High Court in The Chief Postmaster General and 3 others vs. T.N. Mollykutty; and

iv unreported judgment of Division Bench of this Court in T. Vijayan vs. Union of India, represented by its Chairman and Managing Director,

BSNL, New Delhi and 3 others.

3. Per contra, the learned counsel appearing for the respondents 2 to 5 submitted that the order dated 11.12.2008 issued by the Department of

Posts is very specific that no revaluation is permissible; the answer sheets of the petitioner have been corrected; the petitioner has secured 3 marks

for answer to Question No. 6 and 2 marks for answer to Question No. 8; key answers have been prepared after a thorough analysis; it is not the

case of the petitioner that a wrong answer has been given as key answer; what the petitioner seeks is revaluation in a different form; the decisions

relied on by the learned counsel for the petitioner are not applicable to the case in hand and therefore, the writ petition will have to be dismissed.

4. The law governing revaluation is quite settled and it is no longer res integra. In the absence of any provision under the statutory rules/regulations,

a Court of law shall not direct the authorities to do revaluation as a matter of course.

5. In this context, it is worth pointing out that a particular portion of the order dated 11.12.2008 issued by the Department of Posts, clearly

indicates, in no ambiguous terms, that revaluation of answer scripts is not permissible under the Rules. The relevant portion of the said order reads

thus:

the revaluation of answer scripts in various Limited Departmental Competitive Examinations is not permissible under the Rules. It is not possible to

take any action on such requests since no provision is available in the existing provisions of the rules.

6. The learned counsel for the petitioner made reliance upon the communication dated 02.08.2010, issued by the Government of India, Ministry of

Communication and Information Technology of Posts. The said communication has got no application to the case of the petitioner. Admittedly, all

the answers of the petitioner were evaluated. Therefore, the petitioner's case would come under clause (iv) of paragraph no. 3 of the

communication dated 02.08.2010. Even as per the said communication, only clauses (i) to (iii) of paragraph no. 3 are permitted, which are as

under:

3. It may be seen that representations requesting for revaluation of answer papers are being received in this office specifically pointing out the

following grievances:

i Particular answer(s) were not evaluated

ii Excess attempted answer(s) were not evaluated

iii For the same answer(s), the examiner awarded marks to one candidate and to another candidate no marks were assigned or the answer struck

off as wrong.

7. Ergo, when the petitioner's grievance appears to be that correct marks were not awarded, then, it would be governed by Clause (iv) of

paragraph no. 3 of the communication dated 02.08.2010. For the purpose of better appreciation, the said clause, viz., Clause (iv) of paragraph no.

3 is also extracted hereunder:

(iv) All the answers were evaluated but justified marks were not awarded by the examiner.

8. Admittedly, Question No. 6 and 8 have been corrected and marks have been awarded. Therefore, what the petitioner wants is only reevaluation.

The communication dated 02.08.2010 was also clarified by a subsequent order dated 02.02.2011, wherein, it was clarified that a request for

reevaluation on the ground that all the answers were evaluated and justified marks were not awarded by the examiner need not be considered,

rather, to be rejected at the initial stage itself.

9. The Tribunal considered these aspects while declining to grant the relief sought by the petitioner.

10. Further, the judgment of the Division Bench of this Court referred to supra, is not applicable to the case in hand, inasmuch as the scope and

applicability of clause (iv) of paragraph no. 3 of the communication dated 02.08.2010, was not the subject matter of the said case. This apart, the

decision of the Supreme Court in H.P. Public Service Commission vs. Mukesh Thakur and another, referred to supra, is also distinguishable on

facts, as there is a specific provision dis-entitling a candidate from seeking reevaluation, in the case before us.

11. In such view of the matter, we do not find any merit in this writ petition. Hence, this writ petition is dismissed. Costs made easy.