

BHARAT SANCHAR NIGAM LIMITED  
DE SECTION  
Room No.222, Eastern Court,  
Janpath, New Delhi.

F.No.63-14/2011-DE

Dated 15<sup>th</sup> June, 2011

To

All Chief General Managers Telecom Circles, BSNL.  
Chief General Manager Kolkata Telephones/Chennai Telephones.  
Chief General Manager(Mtce), NTR, BSNL, New Delhi

**Subject: LICE in BSNL-Revaluation of answer sheets-reg.**

Sir,

In continuation of this office letter of even no. dated 11.05.2011, I am directed to forward a copy of the judgement dated 27.05.2011 of the Hon'ble High court of Delhi given in WP© 3712/2011 filed by Sh.Suresh Kumar in connection with revaluation of answer sheets.

2. It is requested that wherever required this judgement may also be quoted in the para-wise comments being prepared to defend the cases. The judgement may also be brought to the notice of the concerned courts in respect of ongoing Court cases if any, involving the similar issues.

Encl: as above

Yours faithfully,



(R.S.MALIK)

AGM(DE)

Ph:23710284.

IN THE HIGH COURT OF DELHI AT NEW DELHI  
(Extra Ordinary Original Civil Writ Jurisdiction)

W.P. (C) No. 3712 of 2011

IN THE MATTER OF, *Passed by Hon'ble C.A.T order dt 22-3-11*  
*CA: 1071/11*

Suresh Kumar S/o Late Sh. Duli Chand  
R/o V & Post- Bithwana  
Teh. & Distt. Rewari

Petitioner

VERSUS

Bharat Sanchar Nigam Ltd

Through The CMD,

Bharat Sanchar Bhavan,

Harish Chandra Mathur Lane,

Janpath, New Delhi

Respondent

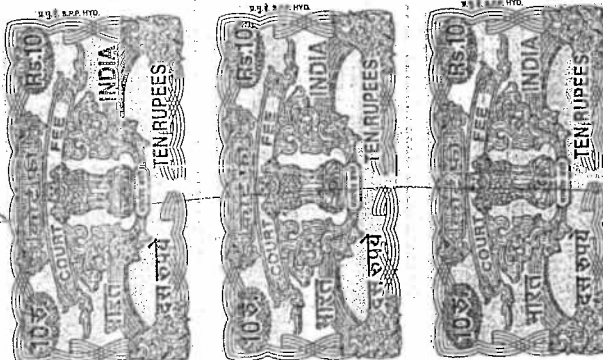
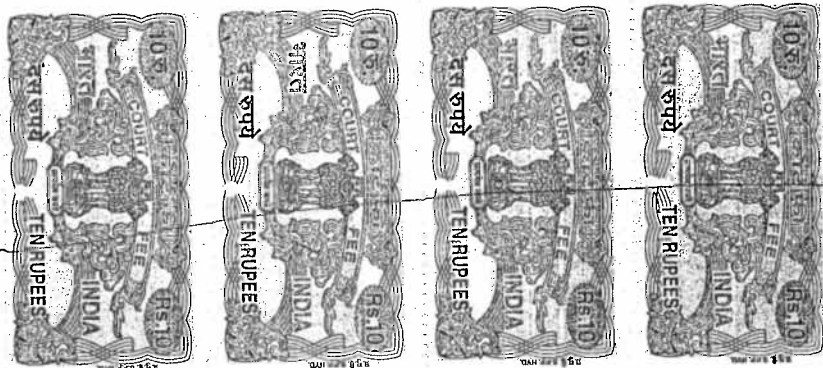
Date:

Place: New Delhi

Petitioner

Through Counsel

*Mu*  
U. Srivastava, & M.K. Gaur Advocates  
C.A.T Bar Room, Copernicus Marg,  
New Delhi



*701*  
TRUE COPY  
EXAMINED

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

- W.P.(C) 3712/2011

SURESH KUMAR ..... Petitioner  
Through Mr. U. Srivastava, Adv.

versus

BSNL AND ORS ..... Respondent  
Through Ms. Dinesh Agnani, Adv.

**CORAM:****HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE SANJIV KHANNA****ORDER****27.05.2011**

%

Heard Mr. U. Srivastava, learned counsel for the petitioner and Mr. Dinesh Agnani, learned counsel for the respondent.

2. Calling in question the legal substantiality of the order dated 22<sup>nd</sup> March, 2011 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (for short, 'the tribunal') in O.A.No.1071/2011, the petitioner has invoked inherent jurisdiction of this Court under Articles 226 and 227 of the Constitution of India on the foundation that it was obligatory on the part of the tribunal to keep in mind that when the key books are provided for examination, it was incumbent on the part of the respondents to get the papers revalued. The tribunal in paragraph 6 has

expressed the view as follows:-

“6. A perusal of the said impugned order reveals that the answer script of subjective paper cannot be evaluated strictly as per the answer given in the answer keys provided to the evaluators and the same is only for his guidance alone. The paper of the applicant was evaluated by expert on the subject. In exercise of its power of judicial review, this Tribunal can neither step into the shoes of an expert body and examine the answer books of the applicant nor it can give directions for revaluation of the same. Even otherwise also, as per Rule 15 (Part-1) of Appendix 37 (Rules Relating to Departmental Examination) of P & T Manual Vol.IV revaluation of answer script is not permissible in any case and under any circumstances as noted in the impugned order dated 18.2.2011 itself, in view of order dated 18.3.2008 passed by the order of Hon'ble High Court of Judicature Andhra Pradesh in WP No.26059 of 2007 (Md. Mahaboob Ali and V.S.V.S Veerabhadra Rao, when it is not permissible under the relevant rules, the Court cannot direct the department to undertake the revaluation. We are bound by said view of Hon'ble High Court. It is not for the Court to give directions to the respondents to have liberal approach in assessing answer sheet of candidates in the examination or giving relaxation in marks or any condition of recruitment/promotion. It may be the prerogative of that administration. There is no infirmity in order dated 18.2.2011 passed by the respondents. The same is, accordingly, not interfered with. The OA is dismissed. However, our present order would not come in the way of the respondents if they want to go by the answer in the key book or otherwise they want to adopt liberal standard in evaluation of answer sheet of applicant. No order as to costs.”

3. The view expressed by the tribunal is in accordance with law inasmuch as in absence of a rule providing for re-valuation, the tribunal or the courts are to be extremely slow for directing revaluation. In the case at hand, no case was made out for revaluation on any ground, but a general bald allegation was made. Thus, the view expressed by the tribunal is absolutely correct and does not warrant interference. In the result, the writ petition being devoid of merits stands dismissed without any order as to costs.

*sd-*  
CHIEF JUSTICE

*sd-*  
SANJIV KHANNA, J.

MAY 27, 2011  
NA

