

(2006) 07 KAR CK 0020

In the Karnataka High Court

Case No : Writ Petition No. 5479 of 2006 (S-KAT)

Hanumantharaya

APPELLANT

Vs

The Secretary Karnataka Public Service Commission

RESPONDENT

Date of Decision : 03-07-2006

Acts Referred:

Citation : (2006) 07 KAR CK 0020

Hon'ble Judges : V. Gopala Gowda, J;C.R. Kumaraswamy, J

Bench : Division Bench

Advocate : Ranganatha Jois, for the Appellant;

Final Decision : Allowed

Judgement

V. Gopala Gowda, J.—The Petitioner was a Candidate for K. A.S probationer. Since he secured less marks in compulsory English, he applied for retotalling. There was no change in the marks obtained even after retotalling. He approached the Karnataka Administrative Tribunal seeking revaluation. In view of the decision of the Apex Court reported in (Pramod Kumar Srivastava Vs. Chairman, Bihar Public Service Commission and Others, , " the Tribunal dismissed the application by its order at Annexure-B dated 6-4-2006. Aggrieved by the same the Petitioner has filed this writ Petition seeking to quash the said order and to direct the respondent to consider revaluation of his paper.

2. In the aforementioned decision, it is held that in the absence of any provision for revaluation in the rules, Candidates have no right to seek re-valuation. Therefore, the Tribunal has rightly declined to entertain the grievance of the Petitioner. The impugned order is perfectly legal and no interference is warranted.

3. learned Counsel for the Petitioner submits that eventhough there is no rule for re-valuation, on an earlier occasion it was done and therefore the KPSC should not have rejected the request and this aspect is not at all considered by the Tribunal.

4. The submission of the learned Counsel is untenable. If a mistake is committed once by re-valuing the papers in the absence of rule providing for the same, such a mistake cannot be repeated again and again. That apart, it is seen from the impugned order that the Tribunal secured the records, perused the answer script of the Petitioner and Satisfied itself that all the answers have been valued and marks given. It is also to be noted that the marks assigned to the subject is 150 but what the Petitioner secured is just 34. The difference is more. The difference is not marginal. Therefore, even if re-valuation is made, chances of success of the Petitioner is very remote. Viewed from all these aspects, the Petition is devoid of merits and liable to be dismissed.

5. Accordingly, the Writ Petition is dismissed.