
(2014) 02 KL CK 0087
In the High Court Of Kerala
Case No : OP (CAT). No. 4252 of 2011 (Z)

Rajesh V.

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 26-02-2014

Acts Referred:

Citation : (2014) 02 KL CK 0087

Hon'ble Judges : T.B. Radhakrishnan, J;A. Muhamed Mustaque, J

Bench : Division Bench

Advocate : Sajith Kumar V. Adv, Advocate for the Appellant; P. Parameswaran Nair, ASG and Sri. T. Sanjay, CGC by R1 to R4, Advocate for the Respondent

Final Decision : Allowed

Judgement

Thottathil B. Radhakrishnan, J.—We have heard the learned counsel for the petitioner and the learned Central Government Counsel.

2. Now, read order dated 03.10.2013:

Heard the learned counsel for the petitioner and the learned Central Government Counsel. Having regard to the quality of the findings in the impugned order of the Tribunal, it cannot be gainsaid by the establishment that the evaluation of answer scripts was done in terms of the guidelines. The explicit finding of the Tribunal is that the examiner had not adhered to the guidelines. After having held so, we think it would be inappropriate to say that the same deviation of the guidelines had visited all the 107 candidates and therefore, no case of arbitrariness is made out. Under such circumstances, we are of the view that the establishment is bound to undertake revaluation of the 107 answer scripts of paper A1 from Manjeri Postal Division. Such revaluation shall be in strict conformity with the guidelines at Annexure- A6 dated 18.09.2002 in the Original Application before the Tribunal. 2. The establishment is hereby directed to ensure that the aforesaid 107 answer scripts are not revalued appropriately through competent examiner and result of such revaluation is placed in a sealed cover

before this Court. Post on 10.12.2013.

3. Following the aforesaid, 107 answer scripts were revalued through a competent examiner as chosen by the Department and results have been placed before us. We have perused those results presented before us in a sealed cover. That has been returned in sealed cover to the Department enabling it to publish such results. Suffice it to say that the results to large extent contradict the results which were subject to challenge before the Tribunal. The results disclose that the petitioner and some of others got good scores in all the papers. Under such circumstances, we are unable to agree with the order of the Tribunal rejecting the petitioner's claim on technical grounds. We may have to also take care of the fact that it is only the petitioner who had carried the issue before the Tribunal and is now before us. Under such circumstances, ends of justice would be satisfied, if the petitioner is appointed in the next occurring vacancy.

In the result, this original petition is allowed, vacating the impugned order of the Central Administrative Tribunal and directing that the petitioner will be appointed in the next occurring vacancy of Postman under the 4th respondent or in any of the existing posts, including in the direct recruitment quota by earmarking one for the purpose of giving effect to this judgment.