
(2012) 09 DEL CK 0058
In the Delhi High Court
Case No : Writ Petition (C) 6033 of 2010

Ramesh Singh

APPELLANT

Vs

RBI and Ors

RESPONDENT

Date of Decision : 05-09-2012

Acts Referred:

Citation : (2012) 09 DEL CK 0058

Hon'ble Judges : Suresh Kait, J

Bench : Single Bench

Advocate : Rani Chhabra, for the Appellant; Raju Ramchandran with Mr. H.S. Parihar and Mr. K.S. Parihar, for the Respondent

Judgement

Suresh Kait, J.—Vide the instant petition, the petitioner is seeking the following reliefs:-

- a) pass an order/direction and/or any other appropriate Writ directing the respondent to assign marks to the correct answer of the petitioner in English Paper in the examination held for the post of S.O. Grade "A" for the year 2002.
- b) pass order/direction and/or any other appropriate Writ directing the petitioner to promote the petitioner on the post of S.O. Grade-"A" for the year 2007 from the date when similarly situated persons were promoted with all consequential benefits.

The brief facts of the case are that the petitioner joined as clerk in the Reserve Bank of India and presently working as a Special Assistant at New Delhi.

2. The RBI vide its communication dated 11.11.2002 directed to all its offices and the Central Office Department for holding departmental examination for promotion to the post of Staff Officer Grade-A. Accordingly, in the year 2007 an examination for the same was conducted. There were three papers of 50 marks each and every candidate was required to obtain 19 marks in each paper for qualifying for promotional test as per the RBI's norms.

3. The petitioner in English paper was assigned 18.5 marks, i.e., 0.5 marks less than the qualifying marks 19. Had the said question been evaluated properly, which was correctly answered but was wrongly shown as incorrect and for which no mark was assigned, the petitioner would have been assigned 1(one) mark and he would have been declared successful and qualified in the English paper also. Therefore, the petitioner was declared fail in the English paper since he would not have obtained qualifying marks of 19 but he had obtained only 18.5 marks. Had the said question been given the correct marks he would have obtained 19.5 marks.

4. The petitioner vide its communication dated 05.03.2008 wrote to the respondent Bank to re-check his answer sheet but the same was denied on the ground that there is no provision under the Bank Rules for re-checking the answer sheet.

5. The petitioner obtained his answer sheet under the Right to Information Act, 2005 and on perusing his answer sheet he was surprised to note that his one of the answer was not given any mark.

6. Thereafter, being aggrieved by the RBI's action, he filed the present writ petition.

7. Ld. Counsel appearing on behalf of the petitioner has drawn the attention of this Court to the question asked by the respondent which is at page 16, and is reproduced as under:-

(c) (ix) That herb is fit to be eaten. (Substitute a single word for the words underlined).

8. The petitioner has answered the aforesaid question as follows:

(ix) That herb is eatable.

9. Ld. Counsel further submits that the petitioner received 18.5 marks and the question mentioned above is of 1 mark and if 1mark is granted to the credit of the petitioner then he will come in the category of the selected candidates.

10. Mr. Raju Ramchandran, Sr. Advocate appearing on behalf of the respondent submits that the procedure of the respondent Reserve Bank of India on revaluation of the paper on the ground of variation of the marks is as under:-

1. As you are aware, there is at present no provision in the "Scheme for Promotions: to Staff Officers Gr. II" annexed to Administration Circular No. 8 dated 13th May, 1972 either for revaluation of answer papers of employees appearing for the captioned written test, or for verification of the arithmetical accuracy of the marks obtained by them. We have, however, been very often receiving requests from employees in this regard. It has, therefore, been decided in consultation with the Reserve Bank of India Services Board that effective from the panel year 1977-78, requests received from employees for verification of the arithmetical accuracy of the marks secured by them will be considered by the

Services Board provided such requests are received at the offices/departments to which the candidates are attached, within a period of 15 days from the date of declaration of the results. For this purpose, fee of Rs. 5/- will be charged for verification of marks in respect of each paper.

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3. It is not feasible to accede to the employees' request for revaluation of answer paper and such requests may be rejected by the offices/departments without reference to Central Office.

11. Ld. counsel has further submitted that the answer adopted by the examiner was "edible" and not "eatable". Therefore, the examiner has correctly not given mark for answer to that question.

12. The petitioner has filed copy of the Comprehensive Grammar of Current English, duly approved by the Council for the Union School Certificate Examination for ICSE Examination at serial number 34 at page 204-205, the meaning of aforesaid question "(c) (ix) is mentioned as edible, eatable-fit to be eaten.

13. After hearing Ld. Counsel for the petitioner, I am of the considered opinion that the present case is not for the revaluation or reassessment. But, the same is for rectification of the answer sheet wherein 1 mark was not given for the right answer of the petitioner.

14. Accordingly, 1 (one) mark shall be added in the total marks of the petitioner and he shall be considered as qualified in English paper and consequently be promoted accordingly. The petitioner shall be eligible for promotion from the date from which his juniors were granted promotion, with all consequential benefits.

15. The instant petition stands allowed accordingly. No order as to costs.