

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA NO. 326/2009

New Delhi, this the 11th day of February, 2009

Hon`ble Mr. Justice V.K. Bali, Chairman
Hon`ble Mr. N.D.Dayal, Member (A)

Dr. Manish Sharma,
S/o Shri Bhim Sain Sharma,
R/o AA-74, Shalimar Bagh,
Delhi-110088.

.....Applicant

(By Advocate: Sh. Y.S.Chauhan)

VERSUS

1. Union Public Service Commission,
Through its Chairman,
Sangh Lok Seva Ayog,
Dhoulpur House, Shahjahan Road,
New Delhi-110069.
2. New Delhi Municipal Corporation,
(Through its Secretary),
Palika Bhawan,
New Delhi-110001.
3. Union of India
Through Secretary of Ministry of Health and Family Welfare,
Department of Ayush,
IRCS Building, New Delhi.
4. Municipal Corporation of Delhi,
(Through its Commissioner),
Town Hall,
Delhi-110006.

.....Respondents

Cond..

ORDER (ORAL)

Justice V.K. Bali, Chairman

Dr. Manish Sharma, the applicant herein, has filed this application under Section 19 of the Administrative Tribunals Act, 1985 seeking to quash result dated 29.08.2008 notified by U.P.S.C., the first respondent herein.

2. Brief facts of the case as projected in the application would reveal that the applicant passed the Degree in Bachelor in Ayurvedic Medicine & Surgery (B.A.M.S.) in 1998. The first respondent vide advertisement published in July 2005 invited applications for the post of Ayurveda Physician and M.O. (Ayurveda). The examination was conducted by the first respondent consisting of 120 questions of equal marks of maximum hundred marks in total. One question of the said written examination is as under:

“Which one of the following has not been mentioned by Caraka?”

- (a) Vataja
- (b) Pittaja
- (c) Kaphaja
- (d) Amaja”

3. It is the case of the applicant that since all four options of the said question were correct, therefore, the question itself was defective. The candidates sitting in the examination hall objected and upon such objections the Invigilator in the examination hall orally announced that if there was something

wrong in the question then marks will be given equally to all the candidates for the said question. The averments made in the application go on to show the reasons for delay in declaring the result with which we are not concerned. However, the result was declared on 29.08.2008 and the applicant's name was not shown in the list of selected candidates. He moved an application under Right to Information Act to know as in what manner the respondents dealt with the above stated defective question. He got no satisfactory reply, rather it was stated that there was nothing wrong with the printed question No. 120 in Booklet Series No.'C'. With a view, however, to make himself sure and in order to verify, he moved an application under Right to Information Act to various recognized institutions of Ayurvedic Medical Sciences such as Banaras Hindu University, Gujrat Ayurveda University, A & U Tibbia College and Hospital and all these Institutes have certified that all the options to the question mentioned above, do find mention in various Shlokas of Charka Samhita. The Applicant thereafter referred to UPSC for making necessary corrections and not to proceed further till proper decision is taken upon the said question. When the efforts of the applicant brought no tangible result, present application has been filed.

4. We have heard the learned counsel for the applicant and with his assistance perused the material on record. All that is being urged before us is that it is not known in what manner question referred to above was treated and how the examiner had given marks for the said question and perhaps if the applicant would have got the marks against the said question he would have succeeded and may have been selected.

5. We find no merit whatsoever in the only contention raised by the learned counsel for applicant. The question referred to above was common to all the candidates. We are sanguine that the marks allocated to a candidate for whatever option they may have given would have been the same in view of the fact that all the options were correct. The question was only of one mark. Original Application has no merits and is accordingly dismissed.

Sd/-
(N.D.DAYAL)
Member (A)

(SEAL)

SD/-
(V.K.BALI)
Chairman