



GAHC010238692019



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/7448/2019

SYED TAFIKUDDIN AHMED
S/O- SYED MAMTAZ ALI, R/O- VILL- TITKURI, P.O- TITKURI, DIST-
KAMRUP(R), PIN- 781354

VERSUS

THE ASSAM POWER DISTRIBUTION COMPANY LTD. (APDCL) AND 3 ORS
BIJULEE BHAWAN, PALTAN BAZAR, GUWAHATI- 781001, TO BE REP. BY
ITS DIRECTOR (PERSONAL)

2:CHIEF GENERAL MANAGER
APDCL
BIJULEE BHAWAN
PALTAN BAZAR
GUWAHATI- 781001

3:ASSAM POWER GENERATION CORP LIMITED
BIJULEE BHAWAN
PALTAN BAZAR
GUWAHATI- 781001
TO BE REP. BY ITS MANAGING DIRECTOR

4:GENERAL MANAGER
APGCL
BIJULEE BHAWAN
PALTAN BAZAR
GUWAHATI- 78100

Advocate for the Petitioner : MR. B K DAS

Advocate for the Respondent : SC, APDCL



BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

06-05-2024

The controversy raised in this writ petition is with regard to an evaluation in a recruitment process for filling up the post of Assistant Accounts Officer in the Assam Power Generation Corporation Ltd. The petitioner, who is an Unreserved category candidate has made specific allegations of due marks not being given to him and also on the aspect of grant of negative marks for answers which according to the petitioner is correct.

Petitioner has specifically mentioned 9 numbers of questions under the respective ID's:-

SL NO.	QUESTION ID	PARTICULARS	MARKS TO BE ADDED	MARKS
1	10343	MARKS NOT GIVEN FOR CORRECT ANSWER	MARK 1.00 (FOR CORRECT ANSWER) MARK 0.25 (FOR NEGATIVE MARK) MARK=(1.00+0.25)=1.25	1.25
2	10345	MARK NOT GIVEN FOR CORRECT ANSWER	MARK 1.00 (FOR CORRECT ANSWER) MARK 0.25 (FOR NEGATIVE MARK) MARK=(1.00+0.25)=1.25	1.25
3	10338	MARK NOT GIVEN FOR CORRECT ANSWER	MARK 1.00 (FOR CORRECT ANSWER) MARK 0.25 (FOR NEGATIVE MARK) MARK=(1.00+0.25)=1.25	1.25
4	10337	MARK NOT GIVEN	MARK 1.00 (FOR CORRECT	1.25



		FOR CORRECT ANSWER	ANSWER) MARK 0.25 (FOR NEGATIVE MARK) $\text{MARK}=(1.00+0.25)=1.25$	
5	10542	JUSTIFICATION IS GIVEN IN ANNEXURE I	MARK 1.00 (FOR CORRECT ANSWER) MARK 0.25 (FOR NEGATIVE MARK) $\text{MARK}=(1.00+0.25)=1.25$	1.25
6	10527	JUSTIFICATION IS GIVEN IN ANNEXURE II	MARK 1.00 (FOR CORRECT ANSWER) MARK 0.25 (FOR NEGATIVE MARK) $\text{MARK}=(1.00+0.25)=1.25$	1.25
7	10531	JUSTIFICATION IS GIVEN IN ANNEXURE III	MARK 1.00 (FOR CORRECT ANSWER) MARK 0.25 (FOR NEGATIVE MARK) $\text{MARK}=(1.00+0.25)=1.25$	1.25
8	10335	JUSTIFICATION IS GIVEN IN ANNEXURE IV	MARK 1.00 (FOR CORRECT ANSWER) MARK 0.25 (FOR NEGATIVE MARK) $\text{MARK}=(1.00+0.25)=1.25$	1.25
9	10334	JUSTIFICATION IS GIVEN IN ANNEXURE V	MARK 1.00 (FOR CORRECT ANSWER) MARK 0.25 (FOR NEGATIVE MARK) $\text{MARK}=(1.00+0.25)=1.25$	1.25
TOTAL MARKS TO BE ADDED 11.25				11.25

As regards the first 4 questions, the petitioner claims that though his answer was matching with the question setter, he was given negative marks resulting in deprivation of marks totaling to $4+1=5$. Regarding the question nos. 5 to 9, there is no controversy that against question no. 6 a wrong answer was



given and therefore the petitioner has concentrated his claim on the remaining question nos. 5, 7, 8 and 9. It is contended that in spite of giving right answers, 0.25 marks were deducted from each of the questions and therefore he is entitled to another additional marks of $4 + 1 = 5$.

Shri D. Nath, the learned Standing Counsel of the respondent Corporation, by referring to the affidavit-in-opposition filed on 22.02.2021, more specifically the averments made in paragraph 8 has contended that so far as question nos. 7, 8 & 9 are concerned, the projection made by the petitioner appears to be correct and therefore he would be entitled to 3.75 marks from those questions. So far as question no. 5 is concerned, it is submitted that the answer given by the petitioner does not tally with the opinion taken from the experts and even assuming that the contention of the petitioner is accepted, the additional marks in that question would make the total to 5 marks ($3.75 + 1.25$).

This Court has however noticed that the explanation given so far as question nos. 1 to 4 are concerned, those may not be adequate and therefore an additional affidavit is required to be filed to explain, in details the procedure adopted which would include the marks given or any negative marks given to the petitioner and also the treatment given to the other contenders so far as these 4 questions are concerned.

Let such affidavit be filed within a period of 3 (three) weeks from today.

Let this matter be listed for further consideration on **05.06.2024**.

Shri K. P. Pathak, learned counsel appearing for the respondent nos. 1 & 2 is present.

JUDGE

Comparing Assistant