



**BHARAT SANCHAR NIGAM LTD.**

(A Government of India Enterprise)  
7<sup>th</sup> Floor, Bharat Sanchar Bhawan, H.C Mathur Lane,  
Janpath, New Delhi – 110001.

No. 9-25/2007-SEA (Pt.)  
Dated: - 04-02-2015.

To

- (1). All Chief General Managers/Circle IFAs  
BSNL Telecom Circles/Telephone Districts.
- (2). All Chief General Managers/Circle IFAs,  
BSNL Telecom Project Zones/Telecom Maintenance Regions.
- (3). All other Administrative offices/Units in BSNL.

Subject: - SLP ( C ) /2015 CC No(s). 396/2015 filed by Chandresh Kumar Tripathi and ors. Vs CMD BSNL & ors. regarding grant of grace marks in JAO Exam - reg.

Kindly find enclosed herewith judgment dated 19.01.2015 of Hon'ble Supreme Court of India in SLP ( C ) CC No(s). 396/2015 filed by Chandresh Kumar Tripathi and ors. Vs CMD BSNL & ors. regarding grant of grace marks in JAO Exam.

While dismissing the SLP filed by the petitioner, it is stated in the judgment that "since it is tactically admitted that there is no provision in the Rules or any other proceedings for grant of such marks, reliance placed upon such illegality committed in the past cannot be a ground to sustain the order of the Tribunal". Hon'ble Court has further directed BSNL not to violate the Rules by granting such grace marks in future.

It is requested to use this judgment in similar cases regarding grant of grace marks in various Courts and in disposing off the representations related to grant of grace marks.

This has the approval of the Competent Authority.

Encl.: as above.

(Sunil Rajput)  
Assistant General Manager (SEA)

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C)...../2015  
CC No(s). 396/2015

(Arising out of impugned final judgment and order dated 21/08/2014  
in WPC No. 2224/2014 passed by the High Court of Delhi at N. Delhi)

CHANDRESH KUMAR TRIPATHI AND ORS  
Petitioner(s)

VERSUS

CHAIRMAN CUM CHIEF M. D. AND ORS  
Respondent(s)

(with appln. (s) for c/delay in filing SLP and c/delay in refiling  
SLP and office report)

Date : 19/01/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA  
HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Petitioner(s) Mrs. Rani Chhabra, Adv.

For Respondent(s) Ms. Paromita Majumdar, Adv.  
For Mr. Ankur Mittal, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Delay condoned.

The Division Bench of the High Court while setting aside the order of the Central Administrative Tribunal made it clear that since the Rules do not provide for grant of grace marks, the direction of the Tribunal was illegal and cannot be sustained. Learned counsel for the petitioners, by referring to the affidavit of the applicant filed before the Tribunal, pointed out such grant of grace marks against the post of JAO, Part-II Examinations of 2000, 2003 & 2007. Since, it is tacitly admitted that there is no provision in the Rules or any other proceedings for grant of such marks, reliance placed upon such illegality committed in the past cannot be a ground to sustain the order of the Tribunal. We,

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therefore, do not find any scope to interfere with the order of the Division Bench of the High Court. We only direct the respondent-State not to violate the Rules by granting such grace marks in future.

With the above observations and directions, the special leave petition stands dismissed.

(NARENDRA PRASAD)  
COURT MASTER

(SHARDA KAPOOR)  
COURT MASTER