

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI**

ORIGINAL APPLICATION No.210/37/2015

Dated this Monday, the 06th day of January, 2020

**CORAM: DR. BHAGWAN SAHAI, MEMBER (A)
R.N.SINGH, MEMBER (J)**

Mampi Dwibedi, aged 27 years, Wife of Swapan Das,
residing at Quarter No.216/4 Western Railway Colony,
Near Gaity & Galaxy Cinema, Bandra (W),
Mumbai 400 050.

- Applicant

(In person)

Versus

1. Union of India through the General Manager,
Western Railway, Churchgate, Mumbai 400 020.
 2. Deputy Chief Personnel Officer, Recruitment Cell,
Western Railway, Churchgate, Mumbai 400 020.
 3. The Secretary, Railway Recruitment Board,
Western Railway, Alibhai Premji Road Near Parcel
Depot, Grant Road (East),
Mumbai 400 007.
- Respondents

(By Advocate Shri V.S.Masurkar)

ORAL ORDER

Per: R.N.Singh, Member (Judicial)

Applicant appears in person.

Shri V.S.Masurkar, learned counsel
appears for the respondents.

2. The present application has been
filed by the applicant under Section 19 of
the Administrative Tribunal, 1985 seeking
the following reliefs:

“8(a). that this Hon'ble Tribunal be pleased to hold
and declare that the Applicant has to be treated as

having successfully qualified in the recruitment held under employment notice No.2 of 2010 and further declare that the Applicant is entitled to be given employment on Western Railway in any of the said posts as mentioned in the said employment notice from the due date with all consequential benefits.

8(b). that the honourable Tribunal be pleased to direct the respondents to declare that the Applicant as having cleared the recruitment called under the employment Notice No.2 of 2010 and further declare that the Applicant is entitled to be given employment on Western Railway in any of the said posts as mentioned in the said employment notice from the due date with all consequential benefits.

8(c). that such other and further order or orders be passed in the facts and circumstances of the case, as may be required;

8(d). that the costs of this Original Application be provided for."

3. In response to the notice from this Tribunal, the respondents have filed reply affidavit and they have denied and disputed the claim of the applicant. The applicant, who appears in person after discharging her Advocate, contends that she had applied for a Group D post in response to Employment Notice No.2/2020 was issued by the respondents to fill up 8054 posts in various categories in Group D in the Western Railway. The applicant further contends that she appeared and participated in the selection process and

qualified the requisite written examination as well as Physical Efficiency Test (PET) and in view of being successful therein was allowed to participate in documents verification and medical examination. However, the applicant did not find her name in the final list of successful candidates for the advertised posts. The applicant contends that once she has qualified in the written test, Physical Efficiency Test (PET), documents verification and medical fitness examination, there was no reason or justification available with the respondents not to include her as qualified in the finally selected candidates' list.

4. The learned counsel for the respondents, Shri V.S.Masurkar, with the assistance of the reply filed on behalf of the respondents contends that in view of the Railway Board letter / circular dated 25.06.2009 (Annex R-2), it is mandatory to cross-check and match the duplicates of the OMR Sheets with their originals by the

concerned RRC/RRB. The said circular also mandates that no panel is declared without the clearance from the concerned RRC/RRB about the cross checking / matching of the original OMR Sheets with their duplicates.

5. The learned counsel for the respondents further submits that the Screening Committee constituted by the respondents for cross-checking the OMR Sheets observed mismatching of the original OMR sheets with that their duplicates in case of the applicant as well as 50 other candidates and therefore, name of the applicant and similarly placed other persons did not find place in the list of finally selected candidates.

6. On receipt of the representation received from the applicant, the matter was considered by the respondents at length. A report from the Government Examiner of Questioned Documents (GEQD) was obtained and a report from the concerned agency was received as to whether there has been any shortcoming in the quality of the carbon. However, after

detailed examination of the report, it was confirmed that there was no shortcoming in the quality of the carbon.

7. In the rejoinder, the applicant submits that she has attempted the questions on the basis of her knowledge and if at all there is any mismatch between the original and duplicate of OMR Sheet, she cannot be held responsible for it.

8. On the direction of the Tribunal, the respondents have produced the original OMR Sheets as well as the duplicate thereof along with the other record *vis-a-vis* report of the Screening Committee and the notes regarding consideration of representation of the applicant keeping in view the report of the GEQD and the concerned agency.

9. We have also perused the pleadings on record and considered the arguments made on behalf of the parties. It is not in dispute that the Railway Board circular dated 16.12.2010 (Annex R-2) is binding upon the Railway Recruitment Cell / Railway Recruitment Board. It is also not

in dispute that the said circular has been applied uniformly to all the candidates who have participated in the aforesaid selection process. From the record, it is evident that there have been mismatches of answers in respect of questions Nos.3, 31, 41, 52, 53, etc. in the original OMR Sheets of the applicant with those of their duplicates and the issue has been considered by the respondents at length.

10. In view of the facts that the policy formulated by the Railway Board has been applied uniformly in respect of all the candidates and mismatch has been found by a Committee of Officers constituted for such matters and findings of such officers indicated the mismatch, we are of the considered view that while exercising the power of judicial review, this Tribunal may not interfere with the report of the Officers and cannot come to different conclusions.

11. In view of the aforesaid facts and discussion, we find that the OA is devoid of merit and the same is accordingly

dismissed. However, in the facts and circumstances, no order as to costs.

12. The original record produced by the respondents through Shri V.S.Masurkar, learned counsel is returned back to him.

(R.N.Singh)
Member (Judicial)

*kmg**

(Dr. Bhagwān Sahai)
Member (Administrative)

JD
09/01/19

