

Central Administrative Tribunal  
Principal Bench

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O.A. No. 3055 of 2001  
M.A. No. 218 of 2002

New Delhi, dated this 4 February 2002

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE MR. SHANKER RAJU, MEMBER (J)

S/Shri

1. Gobind Singh,  
C/o Shri Arvind Kumar Verma,  
118-B, DDA Janta Flats,  
Pitampura Village,  
Delhi-110034.
2. Pradeep Dixit,  
C/o Shri Nemi Chand Dixit,  
Vill. & P.O. Mithakur,  
Agra, U.P.
3. Rajeev Kumar Bharti,  
C/o Ashram,  
BHJ Tel Mill  
Near NIL Factor Front Sadabad,  
GET, Hathras-204101.
4. Aditya Kumar Mudgal,  
C/o Krishana Kumar Mudgal,  
26/88, Basai Kalan Tajganj,  
Agra. . . Applicants

(By Advocate: Shri K.B.S. Rajan)

Versus

1. The Union of India through  
the Secretary,  
Ministry of Railways,  
Rail Bhawan,  
New Delhi-110011.
2. The Chairman,  
Railway Recruitment Board,  
Gorakhpur, U.P. . . Respondents

(By Advocate: Shri B.S. Jain)

ORDER

S.R. ADIGE, VC (A)

Applicants impugn respondents' order dated 16.10.2001 (Annexure A-1) cancelling the second phase written examination held on 17.6.2001 for vacancies of Assistant Station Masters.

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2. Heard both sides.

3. Admittedly Railway Recruitment Board held a preliminary examination in January/February, 2001 for approximately 83 vacancies of Assistant Station Masters in which several thousands of candidates appeared. 840 candidates were declared successful for the second ~~stage~~ <sup>phase</sup> written examination, which was conducted on 17.6.2001. Respondents in their reply to the O.A. state that on investigation it was revealed that there were serious irregularities and malpractices committed by candidates in the aforementioned second phase written examination and consequently the competent authority decided to cancel the said examination by the impugned notice dated 16.10.2001.

4. We have been shown copies of the official notings in respondents' records, relevant extracts of which were also read out in open court, which reveal that the irregularities include, *inter alia*

- i) a large number of candidates had marked the same wrong options for almost all the questions.
- ii) though the questions were jumbled for different booklets, the candidates had marked wrongly the same set of questions.
- iii) Near absence of calculations/rough work in the space provided in the question booklet for this purpose which indicates that the candidates may have got the solutions readily available.

5. This Bench would interfere in the matter if applicants could establish that the decision to cancel the examination held on 17.6.2001 by impugned

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notice dated 16.10.2001 was illegal, discriminatory, arbitrary, or impelled by malafide. In our considered opinion as the orders cancelling the examination held on 17.6.2001 have been passed by the competent authority; which is uniformly applicable to all the candidates who took that examination; there are good and sufficient reasons to warrant cancellation as is clear from the foregoing paragraph; and no specific allegations of malafide have been made against respondents, none of the aforementioned infirmities are manifested in this case.

6. During arguments applicants' counsel Shri Rajan contended that the rules/instructions did not contemplate the holding of a second phase examination to follow the preliminary examination, and respondents should have acted on the basis of the preliminary examination itself. However, in the O.A. the relief sought is a direction to respondents to act upon the second phase examination held on 17.6.2001 which was cancelled, and hence this argument goes against the relief claimed. It was also contended by him that atleast three weeks' notice should have been given for holding the re-examination which was not done, and the re-examination was held on 6.1.2002 after giving barely one week's notice, as a result of which a substantial percentage ~~was~~ of the candidates who had appeared on 17.6.2001 could not reappear on 6.1.2002. The challenge to the date of the re-examination which was held on 6.1.2002 is, however, not one of the claims advanced in the relief para of the O.A. He also contended that as respondents had certified that the examination held on 17.6.2001 had been conducted peacefully, there was no need to have cancelled the same. However, merely

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because the examination held on 17.6.2001 passed of without incident does not necessarily mean that it was free of irregularities.

7. In the result the O.A., warrants no interference. It is dismissed. M.A. No. 218/2002 is also dismissed as having become infructuous. No costs.

S. Raju  
(Shanker Raju)  
Member (J)

*Adige*  
(S.R. Adige)  
Vice Chairman (A)