

(17)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

OA No.126/91

Date of decision: 11.05.1993.

Shri Anil Kumar Misra

...Petitioner

Versus

Union of India & Ors.

...Respondents

Coram:-

The Hon'ble Mr. I.K. Rasgotra, Member (A)  
The Hon'ble Mr. J.P. Sharma, Member (J)

For the petitioner

Shri Anis Suhrawardy, Counsel.

For the respondents

Shri Romesh Gautam, Counsel.

Judgement(Oral)  
(Hon'ble Mr. I.K. Rasgotra)

Heard the learned counsel for both the parties. The case of the petitioner as projected by the learned counsel Shri Anis Suhrawardy is that the petitioner was allotted roll No.100176 by the Railway Recruitment Board for the examination to recruit probationary Guards. The said examination was held on 13.8.1989. The petitioner qualified in the written examination and was called for the interview. However, when the results were published in the Employment News of 10-16 February, 1990 the name of the petitioner was not in the select list. He submits that there was another candidate who was assigned roll No.100175 who also had the same name as that of the petitioner and, therefore, there has been an apparent mix up in the marks obtained by the two candidates resulting in the selection of the wrong candidate. There was no problem upto the written examination stage but according to the

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learned counsel the problem arose at the stage of interview. According to him the petitioner had extremely well in the interview and marks obtained by him have possibly been assigned to other Shri Anil Kumar Misra viz. roll No.100175.

2. Shri Romesh Gautam, learned counsel for the respondents produced the original record of the Railway Recruitment Board for the perusal of the Court. The learned counsel submitted that the record of the Examination speaks for itself.

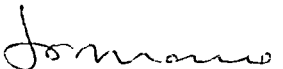
3. The particulars and record of the examination as given in the result charts in respect of the petitioner's Roll No.100176 and his name sake having Roll No.100175 are extracted below:-


| Roll No.  | Name                                 | Date of birth                  | Qualification                                   |
|-----------|--------------------------------------|--------------------------------|---|
| 1. 100175 | Anil Kumar Misra                     | 3.3.1965                       | High School 57.8%<br>Inter 65.0%<br>B.A. 53.0%  |
| 2. 100176 | Anil Kumar Misra                     | 3.12.1966                      | High School 54.0%<br>Inter 48.0%<br>B.Sc. 47.0% |
|           | <u>Practical Test</u><br>(Marks 100) | <u>Interview</u><br>(Marks 25) | <u>Grand Total</u>                              |
| 1.        | 84                                   | 16                             | 100   |
| 2.        | 66                                   | 15                             | 81  |

The petitioner who bears Roll No.100176 obtained 15 marks in the interview while in the written test his marks are 66. Roll No.100175 who was selected has obtained 84 marks in the written test whereas marks obtained by the petitioner in the interview are only 16. The petitioner, therefore, cannot make any grievance as his non-selection is due to his poor performance in the written examination and not in the interview. Merely because he was called for the interview does not mean that he has to be

placed on the panel. He has to secure sufficient marks in both written and interview for inclusion in the select list. It is also observed that academic record of the petitioner is also comparatively less glowing than that Roll No.100175, who has been selected. His contention that he had excellent academic qualification is also not borne by the facts.

3. In view of the above facts and circumstances of the case, we are of the opinion that the petitioner has not been able to make out a case of his inclusion in the select list. The O.A. is accordingly dismissed. No costs.

  
(J.P. SHARMA)  
MEMBER(J)

  
(I.K. RASGOTRA)  
MEMBER(A)

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