

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 18th day of March, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.
HON. MR. D. R. TIWARI, A.M.

O.A. No. 1220 of 1996

Mohd. Azimuddin S/O Abdul Safoor R/O Moh. Ghosi Purva Shahpur Post Office Geeta Vatika District Gorakhpur.

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.....Applicant.

Counsel for applicant : Sri R.P. Singh.

Versus

1. Union of India through the Secretary, Ministry of Railways
Rail Bhawan, New Delhi.
2. Chairman, Railway Recruitment Board, N.E. Railway,
Gorakhpur.
3. General Manager, N.E. Railway, Gorakhpur.
4. Financial Adviser and Chief Accounts Officer, N.E.
Railway, Gorakhpur.

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.....Respondents.

Counsel for respondents : Sri V.K. Goel.

O R D E R (ORAL)

BY HON. MR. JUSTICE S.R. SINGH, V.C.

Heard Sri S.K. Pandey holding brief of Sri R.P. Singh, learned counsel for applicant, Sri Pankaj Srivastava holding brief of Sri V.K. Goel, learned counsel for respondents and also perused the pleadings.

2. The applicant, at appears, appeared in the written examination held for the recruitment to the post of Accounts Clerk. The written test was followed by an interview and the final result was declared on 29.9.95. A panel of 45 candidates (37 belonging to general category, 7 to SC and 1 to ST) was prepared. The applicant belongs to general category and had secured 120 marks in the written examination. The last candidate of general category ^{whose name is} that finds place in the panel had secured 123 marks in the written test

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and 4 marks in the interview. The applicant, it appears, was not given any marks in the interview merely on the suspicion that he had used unfair means in the written examination. No categorical finding has been recorded. The Selection Committee/Board did not take any conclusive decision as to whether the applicant had used unfair means in the written examination. The fact that he was placed in 'suspected foul means category' was not enough to deny him marks in the interview on the basis of his performance. In the supplementary written reply filed on behalf of the respondents, it is stated that the applicant had secured 120 marks in the written examination and was not considered for being cleared by Interview Committee² on the ground that he was placed in the category of "suspected foul means". It appears from the supplementary affidavit that the Interview Committee had asked the applicant to write his answer on the sheet provided during the course of interview but concededly the sheet as used ^{at} in the time of interview was not traceable. In the circumstances, therefore, it is difficult to support the action taken by the respondents in not giving him the marks in the interview. In the absence of a final decision about the suspicion of using foul means in the written examination, the applicant was entitled to be given marks on his performance at the time of interview.

3. Accordingly the O.A. is allowed with direction to the respondents to arrange an interview for the applicant and thereafter to declare his result on the basis of total marks of written test and interview within a period of one months from the date of receipt of a copy of this order.

No order as to costs.

Asthana
A.M.

Ranj
V.C.

Asthana/