

Open Court.

Central Administrative Tribunal,  
Allahabad Bench, Allahabad.

Dated: Allahabad, This The 11th Day of August, 2000.

Coram: Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

Hon'ble Mr. S. Dayal, A.M.

Original Application No. 414 of 1996.

Vinod Kumar Shukla  
son of Ram Prakash Shukla,  
aged about 17 years (minor)  
resident of Vikas Nagar Colony, L.I.G.-II,  
596 Baragadawa,  
Gorakhpur  
under the Guardianship of Ram Praksh Shukla (Father)

. . . Applicant.

Counsel for the applicant: Sri H.N. Singh, Adv.  
Sri Anil Dwivedi, Adv.

Versus

1. Union of India through Secretary,  
Ministry of Railways Baroda House, New Delhi.
2. Railway Selection Board, Gorakhpur  
through its Chariman, Railway Selection Board,  
Gorakhpur.
3. Chief Commercial Superintendent, Northern Eastern  
Railways Gorakhpur.
4. General Manager, Northern Eastern Railway,  
Gorakhpur.
5. Principal Northern Eastern Railways,  
Senior Secondary School, Gorakhpur.

. . . Respondents.

Counsel for the Respondents: Sri Prashant Mathur, Adv.

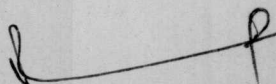


Order (Open Court)

(By Hon'ble Mr. Justice R.B.K. Trivedi, V.C.)  
We have heard the parties counsel.

This application under section 19 of the Administrative Tribunals Act has been filed for a direction to the respondents to permit the applicant V.K. Shukla in Vocational Course of Commercial Railway of 1995-96. The Vocational Course run by the Railway is for two years. The applicant though qualified the course, however, his marks secured in High School Examination were less than 50%. The condition for admitting the candidates for Vocational Course was that he should secure minimum 50% marks in High School. The applicant was given time to produce the marks-sheet by 15.9.95 but he failed. It appears that the applicant also applied for scrutiny of his marks by the Board of Intermediate and High School of U.P. On Scrutiny, applicant got 300 marks (Annexure-3). The marks sheet after scrutiny was issued on 8.3.96. Admittedly the applicant could not produce the marks-sheet with 50% marks on the date of admission.

2. Along with counter affidavit, a letter written by applicant on 26.9.95 has been filed as Annexure-1, which shows that he withdrew his all the papers and expressed that he does not want admission in the Vocational Course. There is note by the Principal that his father was also present at that time. From letter dated 16.9.95 (Annexure-3 of counter affidavit) it appears that though the

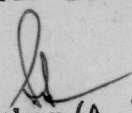


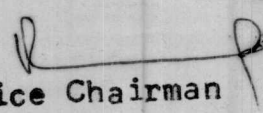


applicant had reported for admission but he was not<sup>1</sup> producing the original marks sheet. Ultimately a query was made from the Principal of ~~the College~~<sup>at</sup> N.E. Railway Boys Inter College Gorakhpur <sup>from whose applicant appeared in High School Examination</sup> that ~~the~~<sup>the</sup> marks sheet with 290 marks was given ~~by~~<sup>to</sup> the Principal. All these facts show that on the date of admission applicant could not satisfy the necessary condition for admission and we do not find any good ground for issuing direction prayed for.

3. The learned counsel for the applicant then submitted that respondents may be directed to permit the applicant to appear in the next selection for ensuing course. The application is thus disposed of with a direction to the respondents to consider the candidature of the applicant for the next course, if he otherwise satisfies the conditions in case he applies for admission.

4. There will be no order as to costs.

  
Member (A.)

  
Vice Chairman

Nafees.