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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH
ALLAHABAD

Allahabad this the 28th day of Feb... 1997

Coram : Hon'ble Mr. T. L. Verma, Member-J
Hon'ble Mr. S. Dayal, Member-A

Original Application No. 132 of 1997.

1. A. C. Sharma son of Sri Mahesh Prasad.
2. R. L. Srivastava s/o. Lt. B.L.Srivastava.
3. Kedar Pd. s/o. Manik Chand.
4. R. K. Mishra s/o. Bachaspatti Mishra.
All c/o. R/o. 139, Lot No.2, Mughalsarai,
Dt. Varanasi.Applicants.

(By Advocate Sri S. K. Dey & Sri S.K.Mishra)

Versus

1. Union of India through the General Manager,
E.Rly, 17, Netaji Subhas Road, Calcutta-1.
2. The Denior D.P.O.E.Rly.Mughalsarai.
3. The D.E.E.(TRS) E.Rly.Mughalsarai.
....Respondents.

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ORDER

(By Hon'ble Mr. T. L. Verma, Member-J)

In this application under Section 19 of
the Administrative Tribunals Act, 1985, a prayer
has been made for quashing result of the written

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test held for selection to the post of Intermediate Apprentices (Electricity) and for issuing a direction to the respondents to hold fresh test for selection on the said post.

2. Options were invited from eligible departmental candidates for appointment on the post of Electric Chargeman 'B' against Intermediate Apprentice quota. The applicant alongwith 83 other candidates applied for and were called for written test held on 7.9.1996 and 14.9.1996. It is alleged that on 7.9.1996 questions papers were leaked to some of the candidates ~~on the~~ day before the commencing ~~the~~ of examination. It is also alleged that on 14.9.1996 one H.S.P. Gupta was permitted to appear in the examination at his residence. It is further alleged that the examinees of 7.9.1996 were asked to answer only 5 out of 8 questions ~~and~~ whereas the examinees of 14.9.1996 were asked to answer all the questions. The above discrepancies, it is stated, has vitiated the entire examination. Hence this application for the reliefs mentioned above.

3. We have heard the learned counsel for the applicant ~~and~~ also perused the record very carefully. There is no material on record, except application purported to have been given by the activist of Samajwadi Party, ~~and~~ representation filed by the applicant ~~as~~ well as the paper cutting, to show that ~~the~~ irregularities were

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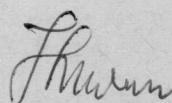
committed in conducting the examination. Not only that the applicants filed their applications three months after the examinations ^{was held} and the Samajwadi Party activist filed the complaint two months after the examination. ~~onacee~~ No rule has been brought to our notice ^{to show} that sick candidate will be permitted to appear at a place other than the examination centre ~~on~~ proper arrangement for invigilation being made.

4. From the narration of the facts we find that there is absolutely no material which may provide foundation for ~~inferring~~ any irregularity in conducting the examination warranting interference of this Tribunal. Newspaper report has no evidentiary value and as such cognizance cannot be taken of such newspaper report. Besides that this newspaper report has also appeared nearly 3 months after the examination was held. This appears to be motivated and self serving document.

5. In view of the above, we fid no merit in this application and dismiss the same in limine. This order, however, will not stand on the way of the respondents in disposing of the representation of the applicant.



Member-A



Member-J

(pandey)