

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

DATED: THE 6 TH DAY OF OCTOBER ^{Nov.} 1997

CORAM : HON'BLE DR. R.K.SAXENA, J.M.
HON'BLE MR. D.S.BAWEJA, A.M.

ORIGINAL APPLICATION NO.255 OF 1997

Mrs. Neelam Yadav, wife of Sri Laldeo prasad Singh,
Assistant Teacher, Northern Railway Inter College,
Tundala, District Firozabad.

.... Applicant

C/A Shri Satish Chaturvedi, Adv.

Versus

1. Union of India through Railway
Recruitment Board, New Annexy Bhawan,
Divisional Railway Manager Office
Compound, Nawab Yusuf Road, Allahabad
through its Chairman.
2. Sri S.P.Saroj, Chairman,
Railway Recruitment Board,
New Annexy Bhawan, Divisional Railway
Manager Office Compound, Nawab Yusuf Road,
Allahabad.
3. Northern Railway Inter College,
Tundala, District Firozabad
through its Principal.

.... Respondents

C/R Shri S.K.Jaiswal, Adv.

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ORDER

BY HON'BLE DR.R.K.SAXENA, J.M.-

This is a petition filed by Mrs. Neelam Yadav for seeking the quashment and cancellation of the final results dated 14.2.1997 and seeking the command to the respondents to call her for interview.

2. The facts which have been set out in the O.A., are that the applicant who was possessing degree of M.A. in Hindi and had also done B.Ed., was appointed as ad-hoc teacher on 1.8.1984 in Northern Railway Inter College, Tundala. She still continued to work as Assistant Teacher. It is stated that 6 posts of Assistant Teacher in the Allahabad Division were advertised by the respondents. Of those 6 posts, one post was reserved to each ^{of 2} scheduled caste, scheduled Tribe and backward class. The applicant did possess the requisite qualifications and, therefore, she had applied. The written examination was held on 9.6.1996 and the applicant was issued an admit card bearing Roll No.600012. It is stated that the applicant appeared in the written examination, the result of which was published in the newspaper Annexure-3. The Roll number of the applicant was published and according to the press note the interview was to be held on 12.2.1997. Accordingly, the applicant approached the Railway Recruitment Board on 12.2.1997 but it was declared holiday and, therefore, she was informed that the interview would be taken ^{up} on 13.2.1997. The applicant further contends that she ^{approached} ~~wrote~~ the relevant recruitment Board Office on 13.2.1997 at 8 A.M. along with original testimonials but she was kept on waiting for her turn for about 8 hours. When she was not called for interview, her father tried to find out the reason, The applicant also gave a fresh application in the office to ascertain the reason as to why she was not interviewed. It was then disclosed

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that the applicant had not qualified in the written test and her Roll Number was wrongly placed along with roll numbers of the other candidates who had qualified in the written examination. She was, however, refused to be interviewed.

3. Feeling aggrieved, she filed this O.A. with the aforesaid reliefs.

4. The respondents have contested the case. It is contended that this application has been filed simply on the ground that roll number which was allotted to the applicant, was published in the newspaper. The respondents ^{have} come forward with the plea that the publication of the roll number of the applicant was due to mistake of the press note. Any way, it is stated further ^{that correct information} that the applicant had not qualified in the written examination, was given to her on 14.2.1997.

It is pleaded on behalf of the respondents that the perusal of the roll number of successful candidates in the written examination ^{would} demonstrate that the roll no. 21600012 of the applicant was wrongly printed. It is stated that the real roll no. ^{was} 21600042 but it was taken mistakenly and wrongly printed as 21600012. The mistake, it is alleged, was immediately intimated to the applicant vide letter dated 24.1.97. It is, therefore, ^{urged} that the O.A. filed by the applicant is devoid of merits.

5. The applicant has filed rejoinder affidavit reiterating the facts which was mentioned in the O.A.

6. We have heard Shri Satish Chaturvedi counsel for the applicant and Shri S.K. Jaiswal counsel for the respondents. We ² have also perused the record including the original mark-sheet which was prepared after the result of written examination

and of interview, was declared. From this original marksheet, it is clear that the candidate ^{bearing} ~~wherein~~ Roll no.21600012 was at serial no.521 and that candidate had secured only 46 marks. After the mark-sheet of written examination was prepared, a note was placed before the Chairman indicating the number of vacancies category-wise. There were three vacancies for general category and one each for S.C./S.T. and O.B.C. candidates. Thus there were six vacancies in total. The note suggested that 8 candidates as against three vacancies of general category and 3 candidates against one based in each of the reserved category, be called for interview. According to the mark-sheet there were 978 persons who had appeared in the written test, A formula was prepared that those candidates from amongst the general category who secured 75 marks and above, be called for interview. Similarly those who secured 69 marks or above from amongst OBC, 64 marks or above from amongst S.C. category and 55 marks and above from amongst S.T. category be called for interview. Accordingly the list of 22 candidates was prepared. These candidates are shown in the list along with their roll numbers. We did not find roll no.2100012 for being called for interview. The reason ^{is} ~~that~~ the candidate bearing roll no.21600012 - ~~xxxxixatxthexappixantxxxxxx~~ belongs to OBC category and get only 46 marks in written examination, ^{It was enough} ~~is obvious~~, for ^{the} ~~the~~ ^{test} having ~~not~~ been called for interview. There is neither any suggestion nor can it be inferred that there had been any change in the list of the marks ~~who~~ ^{which} were obtained in the written examination by different ^{candidates} ~~pending~~ cases. Thus the applicant cannot be allowed to get benefit of mistake which ^{has} ~~was~~ occurred in getting her roll number printed in the newspaper in place of roll no.21600042. If the contention of the applicant is believed, it leads to the conclusion that the candidature of a person bearing roll no.21600042 who had secured 69 marks, was ignored. It cannot be the logical

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conclusion. Thus we find that merely because the roll no.21600012 was shown in the news-paper amongst those candidates who had qualified in the written examination, will not give any right to the applicant to challenge the selection. It cannot be ignored that the respondents had intimated ^{her to} their name on 24.1.97 when ^{Board to} they came to know the mistake committed in the ^{press to} printed note.

7. In view of the facts discussed above, we reach the conclusion that there is no merit in the case of the applicant and it is, therefore, dismissed. No order as to cost. The original mark-sheet which had been produced during the arguments, be returned to the respondents.

[Signature]
MEMBER (A)

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MEMBER (J)

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