

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 12th day of February, 2004.

Original Application No. 447 of 1997.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.

Hon'ble Mr. D.R. Tiwari, Member- A.

1. D.K.L. Srivastava S/o Sri Baij Nath Lal Srivastava Staff No. 02908, working as Purchase Assistant Controller of Stores Offices, Diesel Locomotive Works, Varanasi.
2. Rakesh Srivastava S/o Late M.P. Srivastava Staff No. 01166, Working as Depot Store Keeper-II, Deputy Controller of Stores (Depot) Office, Diesel Locomotive Works, Varanasi.
3. D.L. Shukla S/o Sri R.P. Shukla Staff No. 09110, Working as In-put Out-put Supdt. Electronic Data Processing Under EDP Manager Office, Diesel Locomotive Works, Varanasi.
4. Awadhesh Mishra, S/o Sri Tarkeshwar Mishra, Staff No. 03496, Working as Depot Store Keeper in the office of Deputy Controller of Stores (Depot), Diesel Locomotive Works, Varanasi.

.....Applicants

Counsel for the applicants :- Sri S.K. Om

V E R S U S

1. Union of India through the General Manager, Diesel Locomotive Works, Varanasi.
2. Chief Personnel Officer/G.M (P), Diesel Locomotive Works, Varanasi.
3. Controller of Stores, Diesel Locomotive Works, Varanasi.
4. Sri N.K. Mehndi Ratt, Controller of Stores, DLW, Varanasi.
5. Sri P.N. Tiwari Working as Depot Store Keeper-II, DLW, Varanasi.
6. Sri U.C. Tiwari, working as Asstt. Controller of Stores, (LAW) D.L.W, Varanasi.

7. Sri R.N. Sinha, working as Asstt. Controller of Stores (RB), DLW, Varanasi.

.....Respondents

Counsel for the respondents :- Sri Amit Sthalekar
Sri Sudhir Agarwal

O R D E R

By Hon'ble Mr. Justice S.R. Singh, VC.

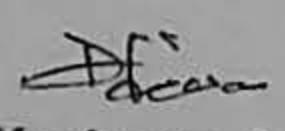
Challenge herein the validity of written examination held pursuant to the notification dated 17.06.1996 for recruitment to Group 'B' services under limited departmental competitive examination quota for the two posts of Assistant Controller of Stores (Group 'B' services) and for direction commanding the respondents to conduct the written examination pursuant to the said notification afresh besides the relief of issuance ^{of} a writ, order or direction in the nature of certiorari quashing the result dated 17.04.1997 (Annexure- 6).

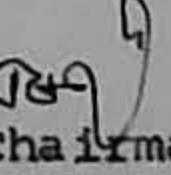
2. The applicants and respondents 5,6 and 7 were appeared in the written examination held on 16.10.1996. The applicant, however, could not succeed in the written examination and the respondent No. 5 though succeeded in the written examination but failed in the interview. The respondents 6 and 7 namely Sri U.C. Tiwari and Sri R.N. Sinha were declared successful as a result of written examination and viva-voce test. The written examination is sought to be quashed basically on the ground that the question paper issued by the respondents was not in conformity with the syllabus provided in notification dated 17.04.1996 in that while it was provided that out of 150 marks 100 would be earmarked for professional subject and 50 for general knowledge but not only the question paper was for only 100 marks, no question with respect to general knowledge and the

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entire question paper was based on professional subject. The applicants did appear in the written examination and took a chance and, therefore, in our opinion, it cannot now be permitted to question the validity of the examination simply on the ground aforesated.. Particularly in view of law laid-down by the Hon'ble Supreme Court in Om Prakash Vs. A. Kumar AIR 1986 (SC) 1043 mere fact that the applicants made representation after the examination on 26.10.1996 would not entitle them to question the validity of the examination. In any case, the respondents cannot be said to have been adopted any discriminatory and arbitrary method in judging the descriptive merits of the candidates. The answer sheets were produced before us during the course of arguments and we find no patent illegality in the result of examination.

3. In view of the above discussions, we find no merit in the O.A and the same is dismissed with no order as to costs.


Member- A.


Vice-Chairman.

/Anand/