

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALAHABAD BENCH, ALAHABAD**

Allahabad, this the **2nd** day of **November**, 2011

Present :

Hon'ble Mr. Sanjeev Kaushik, Member-J
Hon'ble Mr. Shashi Prakash, Member-A

Original Application No.252/2004

Chandra Dutt Singh S/o Sri Chandan Singh, R/o Village
and post Kharsendava, P.S. Dhata Distt. Fatehpur.

.....Applicant.

By Advocate – Shri Ashok Pandey

VERSUS

1. General Manager, North Central Railway,
Allahabad.
2. Chairman Railway Recruitment Board, New Annexe
Building DRM's Office Complex, Allahabad.

.....Respondents.

By Advocate : Shri P.N. Rai

ORDER

By Hon'ble Mr. Sanjeev Kaushik, J.M. :

This petition is directed against the order dated
21.11.2003 passed by respondent No.1 whereby the claim
of the applicant was rejected.

2. The brief facts of the case are that the respondents
issued an advertisement in Dainik Jagran on 9.11.1996 for

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admission in the professional course. It is stated that one of the conditions was that the candidates who will complete the professional course shall be appointed as Commercial Clerk/Ticket Collector. The applicant was admitted in the professional course and he appeared in the examination. The applicant ^{was} declared successful ^{and} ~~and~~ was accordingly admitted to the professional course at SBBM. The training course is supposed to be completed within one year. The applicant successfully completed his professional course of Senior School Certificate Examination 2001. The applicant made a representation to respondent No.2 on 23.6.2003 for being recruited as Commercial Clerk/Ticket Collector as per the terms of the advertisement (Annexure-A-6 to the compilation No.2. When no action was taken on the representation of the applicant then the applicant was forced to approach this Tribunal by way of filing this OA No.1169/03 which was disposed of by this Tribunal by order dated 06.12.2003 directing the respondents to decide the pending representation of the applicant by passing a reasoned and speaking order. In terms of that the respondents passed impugned order whereby the claim of the applicant has been rejected by impugned order dated 21.11.2003 (Annexure-A-1), hence this OA.

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3. Pursuance to the notice, respondents appeared and filed counter and contested the claim of the applicant. In the counter affidavit in Para 06, the respondents have submitted that the applicant appeared, but did not pass the V.C.R.C. Course (1997-98) and (1998-99) in the year 1999 in the first chance. Even he could not pass the examination subsequently in the year 2000. He did not clear the same, therefore his claim was rejected. In para 10 of this counter affidavit, the respondents have given the details which reads as under :

"That it is also stated that the stipulated marks for appointment in Railway in terms of Railway Board's extent guidelines inter alia lays down that "Student who has failed or has been placed in compartmental or who did not obtain the requisite marks in the first attempt may be offered appointment only if he obtains the required percentage or marks after clearing the compartmental or improving the position in the main examination in the next academic year and not later." The applicant has not met the above benchmark. According to Railway Board's policy No.E(W) 95 EDI-10 dated 20.12.1995 the minimum qualifying marks in the Xth Class Board Examination shall be 40% in aggregate for SC/ST & OBC candidates and the minimum qualifying marks in the vocational course for recruitment in Railway shall be 45% in aggregate for SC, ST & OBC

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candidates. On examination the result sheets of both academic year of 1998-99 and 1999-2000, it was found that the applicant namely Chandra Dutt Singh failed in both academic years and could get only 30.4% and 37.2% marks respectively, which is below the laid down marks of 45% for OBC candidates as per Board's letter.

4. None appeared on behalf of the applicant. It is a old matter of 2004. By exercising of power under Rule 15 we proceed to hear learned counsel for the respondents and perused the pleadings.

5. It is not disputed that the applicant ~~was~~ not cleared the test in the year 1997-98 and 1999-2000. Shri P.N. Rai, learned counsel for the respondents argued that the impugned order dated 21.11.2003 has been passed in accordance with rules and since the applicant failed to pass the examination within two chances from the date of passing of the course therefore he was not found eligible for appointment.

6. We have considered the pleadings and arguments raised by the learned counsel for the respondents. We find that the respondents have considered the case of the applicant and have passed the impugned order in accordance with the Bench mark as laid down by the



Railway Board. Therefore, we find no reason to interfere with the impugned order. Hence the OA is dismissed being devoid of merit. No costs.


Member-A


Member-J

RKM/