

**Reserved**

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**  
**JABALPUR**

**Original Application No.200/00532/2020**

Jabalpur, this Friday, the 25<sup>th</sup> day of June, 2021

**HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER**  
**HON'BLE MS. NAINI JAYASEELAN, ADMINISTRATIVE MEMBER**



Kuldeep Singh Bais, S/o Late Shri Balendra Singh,  
Aged about 29 years, Occupation: Student,  
R/o Saket Nagar, Prithvipur, Distt-Tikamgarh,  
Pincode (MP)-472336

**-Applicant**

(By Advocate –**Shri Mayank Singh Choudhary**)

**V e r s u s**

1. Union of India, through General Manager,  
Eastern Railway Colony,  
Near Bhopal Railway Station,  
Bhopal-462010

2. Railway Recruitment Board,  
Through Assistant Secretary,  
East Railway Colony,  
Near Bhopal Railway Station,  
Bhopal-462010

3. Member Secretary, Railway Recruitment Board  
East Railway Colony, Near Bhopal,  
Railway Station  
Bhopal-462010

4. Chairman, Railway Recruitment Board  
East Railway Colony, Near Bhopal  
Railway Station  
Bhopal-462010

**- Respondents**

(By Advocate – **Shri Arun Kumar Soni**)

(Date of reserving the order:-05.02.2021)

## ORDER

**By Ramesh Singh Thakur, JM:-**

Heard.

2. By way of filing the present Original Application, the applicant is against the impugned inaction of the respondents whereby, they categorized the posts based on merit of preliminary examination (CBT-I Stage) instead merit list of Main Examination (CBT-II) which is against the norms of constitution and CAN 03/2018 notification.

3. The applicant has prayed for the following relief in this Original Application:

**“8. Relief sought:**

I. Hon’ble Court may kindly be pleased to call entire records from respondents No.2 based on which respondents prepared the merit list and categorized the seats.

II. Hon’ble Court may kindly be pleased to declare the impugned notification dated 01.11.2019 and merit list (Annex-A/6) passed by the respondent No.1 as illegal and set aside the same.

III. Hon’ble Court may kindly be pleased to pass the order for preparing new merit list as per CEN 03/2018 terms and conditions and allot a seat to the applicant on his merit.

IV. Hon’ble Court may kindly be pleased to award cost of this application and litigation.

V. Hon’ble Court may kindly be pleased to pass such other orders or reliefs as deemed fit and proper in the facts and circumstances of the case in the favour of the applicant and against the respondent in the interest of justice.”





4. Precisely the case of the applicant is that the respondents issued advertisement in Centralized Employment Notification (CEN) No. 03/2018 inviting applications for the post of Junior Engineer (JE), Junior Engineer (Information Technology) [JE(IT)], Depot Material Superintendent (DMS) and Chemical & Metallurgical Assistant (CMA). A Copy of the notification is annexed as Annexure A-1. The entire recruitment process shall involve 1<sup>st</sup> stage Computer Based Test (CBT) is of screening nature, 2<sup>nd</sup> Stage CBT, and Document verification/medical examination as applicable. Selection is made strictly as per merit, on the basis of CBTs. The applicant was allowed to sit in the preliminary exam held for the post of Junior Engineer with allotted roll no., which was conducted during the period from 22.05.2019 to 02.06.2019 and 26.06.2019 to 28.06.2019. A copy of application for the post of JE dated 30.01.2019 is annexed as Annexure A-2. The result of the same was announced where applicant had scored 66.15 which is normalized marks. A copy of CBT-I score card details is annexed as Annexure A-3. Based on the performance of the applicant in 2<sup>nd</sup> stage Computer Based Test (CBT), the applicant has scored 135 out of 150. The



result dated 01.11.2019 is annexed as Annexure A-5. After passing the preliminary exam i.e. CBT-I and CBT-II the applicant was called by the respondents for document verification on 21.11.2019 followed by medical fitness test. A copy of the same is annexed as Annexure A-7. After document verification followed by medical fitness test the applicant found fit of C-1 medical standards. A copy of the candidates who found fit in prescribed medical categories dated 20.03.2020 is annexed as Annexure A-8. Vide letter dated 13.08.2020 applicant was informed that he was found fit for all categories A3, B1 and C1 against that applicant filed appeal before PCMD. A copy of the letter dated 31.07.2020 and 13.08.2020 is annexed as Annexure A-9. PCMD, in its decision on the appeal filed by the applicant found the applicant fit for C-1 medical standard. A copy of the letter dated 31.08.2020 is annexed as Annexure A-10. Aggrieved from procedure followed by respondents the applicant raises all these issues before the respondent administration, when the applicant did not hear anything in this regard, then applicant made representation dated 15.09.2020 to respondent No.1. Despite the above representation the

respondents did not disclose anything. Hence this Original Application.

5. The respondents have filed their reply to the Original Application. In preliminary submissions of the reply the respondents have submitted that the applicant was found above marks from cut-off category 15. 54 and 56 I CBT-1 exam and in category 56 only one vacancy was advertised for un-reserved candidate having Locomotor Disability and the vacancy filled by the Locomotor Disability (UR) candidate. Therefore, the applicant was called for CBT-2 exam only for category 15 and 54.



6. As per para 13.1 of the CEN 03/2018, “the normalized score of 1<sup>st</sup> stage exam shall be used only for short listing of candidates for 2<sup>nd</sup> stage exam as per their merit. Candidates who are shortlisted for 2<sup>nd</sup> stage CBT availing the reservation benefits shall continue to be considered only against for all subsequent stages of recruitment process.” As per para 13.2 of the CEN 03/2018, “Short listing of candidates for 2<sup>nd</sup> stage CBT exam shall be based on the normalized marks obtained by them in the 1<sup>st</sup> stage CBT exam.”

7. After document verification the applicant was sent to SR. DMO, Railway Hospital, Bina for B1 and C1 standard

medical examination. As per certificate physical fitness of candidate No. 017460 dated 25.11.2019 the applicant was found unfit for B1 and fit for C1 (Annexure R-1). A chance was given to the applicant for appeal against the certificate-physical fitness of candidate No.017460 dated 25.11.2019. As per medical examination report dated 28.08.2020 (Annexure R/2), the applicant was found unfit in A3 & B1 medical standard and found fit in C1 medical standard. The applicant was selected for category 15 and 54 for which medical standard is B1 for category 15 and A3 for category 54. Hence the applicant could not empanel against the vacancy of CEN 03/2018.



8. The applicant has filed the rejoinder to the reply filed by the respondents, wherein they re-iterated its earlier stand taken in the Original Application. The applicant submitted that the respondents have failed to comply with the selection procedure as per circular CEN No. 03/2018 which states that CBT-1 exam is only qualifying in nature for CBT-2 exam and it has no connection with the merit list. Therefore, making averments that applicant has no merit is totally arbitrary. Para 13.1 of circular CEN No. 03/2018 states that 1<sup>st</sup> stage CBT is of screening nature and the standard of questions for



CBT will be generally in conformity with the educational standards and/or minimum technical qualifications prescribed for the posts. The normalized score of 1<sup>st</sup> stage exam shall be used only for short listing of candidates for 2<sup>nd</sup> stage exam as per their merit. Candidates who are shortlisted for 2<sup>nd</sup> stage CBT availing the reservation benefits of a community, PwBD and ExSM shall continue to be considered only against that community for all subsequent stages of recruitment process. After perusal of above circular it is clear that respondents has categorized the posts based on the merit of preliminary exam (CBT-1) instead of merit list of main exam (CBT-2) which is against the norms of constitution and CEN 03/2018 notification.

9. The applicant has relied upon the observations made by the Hon'ble Supreme Court in the matters of **Chattar Singh vs. State of Rajasthan**, AIR 1997 SC 303, that the list of successful candidates in the preliminary exam should be prepared on the basis of merit of the candidates secured by them in preliminary exam and should not be prepared category wise is wholly untenable in law.

10. The applicant has also relied upon the judgment passed in the matters of **State of Haryanan vs. Shakuntala**

**Devi**, (2008) 15 SCC 380, wherein the Court has held that the recruitment made in violation of Constitutional Scheme or Recruitment Rule renders the recruitment illegal and invalid. However, in the instant case, the results of the preliminary exam be declared category-wise, and also the final merit list displayed is not according to the CEN No. 03/2018.



**11.** The respondents have filed their additional reply to the rejoinder filed by the applicant wherein it is submitted by the respondents that the applicant secured 66.15% normalized marks in CBT-I exam. As per cut off given in result of CBT-1 dated 13.08.2019 for CBT-2 exam annexed as Annexure A-4, the applicant was found above marks from cut-off only for category 15, 54 and 56. In category 56 only one vacancy was advertised for un-reserved candidates having Locomotor Disability and the vacancy filled by the LD (UR) candidate. Therefore, the applicant was called for CBT-2 exam only for category 15 and 54.

**12.** As per para 13.1 of the CEN 03/2018, “the normalized score of 1<sup>st</sup> stage exam shall be used only for short listing of candidates for 2<sup>nd</sup> stage exam as per their merit. Candidates who are shortlisted for 2<sup>nd</sup> stage CBT availing the reservation benefits shall continue to be considered only against for all

subsequent stages of recruitment process.” As per para 13.2 of the CEN 03/2018, “Short listing of candidates for 2<sup>nd</sup> stage CBT exam shall be based on the normalized marks obtained by them in the 1<sup>st</sup> stage CBT exam.” The applicant was found unfit in A3 & B/1 medical standard and found fit in C1 medical standard. The applicant was selected for category 15 and 54 for which medical standard is B-1 for category 15 and A-3 for category 54. Hence the applicant could not empanel against the vacancy of CEN 03/2018.



**13.** We have heard the learned counsel for both the sides and have gone through the pleadings and the documents annexed therewith.

**14.** From the pleadings there is no dispute qua the fact that the advertisement was issued with Centralized Employment Notification (CEN) No. 03/2018 inviting applications for the post of Junior Engineer (JE), Junior Engineer (Information Technology) [JE(IT)], Depot Material Superintendent (DMS) and Chemical & Metallurgical Assistant (CMA). The preliminary exam was conducted during the period from 22.05.2019 to 02.06.2019 and 26.06.2019 to 28.06.2019. Thereafter the result was declared. There is no dispute regarding the result of the applicant to the fact that the

applicant had secured 66.15. Thereafter based on the performance of the applicant in 2<sup>nd</sup> stage Computer Based Test (CBT), the applicant has scored 135 out of 150. The result dated 01.11.2019 is annexed as Annexure A-5. Thereafter the applicant was called by the respondents for document verification on 21.11.2019 followed by medical fitness test. After document verification followed by medical fitness test the applicant found fit of C-1 medical standards. Vide letter dated 13.08.2020 applicant was informed that he was found fit for all categories A3, B1 and C1. The applicant filed appeal before PCMD by decision on the appeal filed by the applicant, the applicant found fit for C-1 medical standard. It is also admitted fact that against which the applicant had approached the respondent administration vide representation dated 15.09.2020 to respondent No.1.

**15.** The contention of the applicant is that the respondents have failed to comply with the selection procedure as per circular CEN No. 03/2018 which states that CBT-1 exam is only qualifying in nature for CBT-2 exam and it has no connection with the merit list. Therefore, making averments that applicant has no merit is totally arbitrary. Para 13.1 of circular CEN No. 03/2018 states that 1<sup>st</sup> stage CBT is of





screening nature and the standard of questions for CBT will be generally in conformity with the educational standards and/or minimum technical qualifications prescribed for the posts. The normalized score of 1<sup>st</sup> stage exam shall be used only for short listing of candidates for 2<sup>nd</sup> stage exam as per their merit. Candidates who are shortlisted for 2<sup>nd</sup> stage CBT availing the reservation benefits of a community, PwBD and ExSM shall continue to be considered only against that community for all subsequent stages of recruitment process. After perusal of above circular it is clear that respondents has categorized the posts based on the merit of preliminary exam (CBT-1) instead of merit list of main exam (CBT-2) which is against the norms of constitution and CEN 03/2018 notification.

**16.** On the other hand, the respondents have submitted that the applicant was found above marks from cut-off category 15. 54 and 56 I CBT-1 exam and in category 56 only one vacancy was advertised for un-reserved candidate having Locomotor Disability and the vacancy filled by the Locomotor Disability (UR) candidate. Therefore, the applicant was called for CBT-2 exam only for category 15 and 54.

**17.** From the reply of the respondents it is clear that the applicant was sent to SR. DMO, Railway Hospital, Bina for B1 and C1 standard medical examination. As per certificate physical fitness of candidate No. 017460 dated 25.11.2019 the applicant was found unfit for B1 and fit for C1 (Annexure R-1). A chance was given to the applicant for appeal against the certificate-physical fitness of candidate No.017460 dated 25.11.2019. As per medical examination report dated 28.08.2020 (Annexure R/2), the applicant was found unfit in A3 & B1 medical standard and found fit in C1 medical standard. The applicant was selected for category 15 and 54 for which medical standard is B1 for category 15 and A3 for category 54.



**18.** The main contention of the applicant is that as per Para 13.1 of the circular 1<sup>st</sup> stage of CBT is of screening nature and the standard of questions for CBT will be general in conformity with the educational standards. The normalized score of 1<sup>st</sup> stage exam shall be used only for short listing of candidates for 2<sup>nd</sup> stage exam as per their merit. So it is clear that respondents has categorized the posts based on the merit of preliminary exam (CBT-1) instead of merit list of

main exam (CBT-2) which is against the norms of constitution and CEN 03/2018 notification.

**19.** The applicant has relied upon the judgments passed in the matters of **Chattar Singh vs. State of Rajasthan**, AIR 1997 SC 303. The applicant has also relied upon the judgment passed in the matters of **State of Haryana vs. Shakuntala Devi**, (2008) 15 SCC 380, wherein it is held that the preliminary exam should be prepared on the basis of merit of the candidates secured by them in preliminary exam and should not be prepared category wise is wholly untenable in law.



**20.** From the additional reply of the respondents it is clear that the applicant secured 66.15% normalized marks in CBT-I exam. As per cut off given in result of CBT-1 dated 13.08.2019 for CBT-2 exam annexed as Annexure A-4, the applicant was found above marks from cut-off only for category 15, 54 and 56. In category 56 only one vacancy was advertised for un-reserved candidates having Locomotor Disability and the vacancy filled by the LD (UR) candidate. Therefore, the applicant was called for CBT-2 exam only for category 15 and 54.

21. Para 13.1 of the CEN No. 03/2018 is reproduced as under:-

**13.1 1st Stage CBT (Common for all notified posts of this CEN):**

Duration : 90 minutes (120 Minutes for eligible PwBD candidates accompanied with Scribe)  
No of Questions : 100



The 1st stage CBT is of screening nature and the standard of questions for the CBT will be generally in conformity with the educational standards and/or minimum technical qualifications prescribed for the posts. The normalized score of 1st stage exam shall be used only for short listing of candidates for 2nd stage exam as per their merit. Candidates who are shortlisted for 2nd stage CBT availing the reservation benefits of a community, PwBD and ExSM shall continue to be considered only against that community for all subsequent stages of recruitment process.

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**13.2 2nd Stage CBT:**

Short listing of Candidates for the 2nd Stage CBT exam shall be based on the normalized marks obtained by them in the 1st Stage CBT Exam. Total number of candidates to be shortlisted for 2nd Stage shall be 15 times the community wise total vacancy of Posts notified against the RRB as per their merit in 1st Stage CBT. However, Railways reserve the right to increase/decrease this limit in total or for any specific category(s) as required to ensure availability of adequate candidates for all the notified posts.

Duration : 120 minutes (160 Minutes for eligible PwBD candidates accompanied with Scribe)  
No of Questions : 150

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**14.0 Shortlisting of candidates for 2nd stage CBT, DV and empanelment:**

Short listing of Candidates for the DV shall be based on the normalized marks obtained by them in 2nd Stage CBT. The normalization scheme to be adopted for short listing the candidates from 1st Stage CBT to 2nd Stage CBT and for

DV on the basis of performance in 2nd Stage CBT is detailed below:

#### **14.1 Normalisation of the Marks:**

Whenever CBT is conducted in multiple sessions for the same syllabus, the raw marks obtained by the candidates in different sessions will be converted to normalized marks. The raw marks for single session paper and normalized marks for multi session paper will be used for computing Merit Index, which is a common benchmark for generating merit for candidates from different Exam Groups.



**22.** From the above it is clear that the first stage of CBT is of screening nature. The normalized score of first stage exam shall be used only for short listing of candidates for second stage exam as per their merits and in the second stage CBT, Short listing of Candidates for the 2nd Stage CBT exam shall be based on the normalized marks obtained by them in the 1st Stage CBT Exam. Total number of candidates to be shortlisted for 2nd Stage shall be 15 times the community wise total vacancy of Posts notified against the RRB as per their merit in 1st Stage CBT.

**23.** In Para 14 it is crystal clear that shortlisting of Candidates for the DV shall be based on the normalized marks obtained by them in 2nd Stage CBT.

**24.** As it is clear from the reply of the respondents that the applicant had secured 66.15% normalized marks in CBT-I exam. As per cut off given in result of CBT-1 dated

13.08.2019 for CBT-2 exam annexed as Annexure A-4, the applicant was found above marks from cut-off only for category 15, 54 and 56. Candidates who are shortlisted for 2<sup>nd</sup> stage CBT availing the reservation benefits shall continue to be considered only against for all subsequent stages of recruitment process. Meaning thereby the second stage exam shall be based on the normalized marks obtained by them in the first stage CBT exam. So the contention of the applicant that first stage CBT exam is only relevant for shortlisting of second stage CBT, due to the reason that clause 13.1 further clarifies shortlisting candidates for second stage CBT exam availing the reservation benefits shall continue to be considered only against for all subsequent stage of recruitment process.



**25.** From the reply it is also clear that the applicant was found unfit in A3 & B/1 medical standard and found fit in C1 medical standard. The applicant was selected for category 15 and 54 for which medical standard is B-1 for category 15 and A-3 for category 54. So far category 56 is concerned, the post was made reserved.

**26.** Resultantly, we do not find any merit in this case. Hence the Original Application is dismissed. No order as to costs.

**(Naini Jayaseelan)**  
**Administrative Member**  
rn

**(Ramesh Singh Thakur)**  
**Judicial Member**

