

**Central Administrative Tribunal
Principal Bench**

OA No.2/2017

New Delhi, this the 16th day of March, 2021

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. K. Bishnoi, Member (A)**



Naresh,
Aged about 27 years,
For the Post of : Postman, Gateman,
Trackman, Khalasi Helper,
Safaiwala, Cook Mate,
Hospital Attendant, Group 'D',
S/o Satbir,
R/o VPO Nahri,
Teh+District Sonipat,
Haryana-131103.

...Applicant

(By Advocate : Shri Sachin Chauhan)

Versus

1. The Chairman,
Railway Board,
Raisina Road,
New Delhi-110001.
2. The Chairman,
Railway Recruitment Cell,
Lajpat Nagar,
New Delhi-110024.

...Respondents

: O R D E R (ORAL) :



Justice L. Narasimha Reddy:

The applicant took part in the selection process for the post of Group-D post in the Railways. The examination in this behalf was held on 09.11.2014 through the process of OMR sheet. The candidature of the applicant was cancelled on the ground that he has erased certain answers, contrary to the instructions.

2. This OA is filed challenging the action of the respondents. The applicant contends that the examination is a comprehensive process wherein a candidate would have his own choice till the paper is submitted and there is nothing either in the application form or in the OMR sheet to the effect that any erasure would lead to disqualification.

3. The respondents filed a detailed counter affidavit. It is stated that the applicant has resorted to erasure of the answers of several questions and that, in turn, has led to his disqualification.

4. We heard Shri Anmol Pandita, learned counsel for the applicant and Ms. Esha mazumdar, learned counsel for the respondents.



5. When we heard the OA earlier, we found that the counter affidavit is silent about the questions, as regards which, the applicant is said to have erased or smudged. Direction was issued to the learned counsel for the respondents to place the relevant material before us.

6. Today, the original OMR sheet is placed before us and a detailed reply is also filed. A perusal of the same discloses that the applicant has erased the initial markings in respect of nine questions. Having whitened the earlier answers, he has blakened the other circles in the OMR sheet itself. The first and foremost instruction is that once a particular circle in an answer is rounded off, it shall not be erased or changed. There is clear violation of such a specific instruction, by the applicant. The inevitable consequence will be the cancellation of the candidature. We have taken similar view in OA No.3169/2016.

7. We do not find any merit in the OA. It is accordingly dismissed. There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

pj/rk