

(Reserved)

CENTRAL ADMINISTRATIVE TRIBUNAL,

ALLAHABAD

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Registration No. 55 of 1986

Bhagwan Singhvs. . . . Union of India and others

Hon'ble S. Zaheer Hasan, Vice Chairman.

Hon'ble Ajay Johri, Member (A).

(Delivered by Hon'ble S. Zaheer Hasan, V.C.)

This is an application under Section 19 of the Administrative Tribunals Act claiming that the result declared on 29.10.1984 be set aside so far as Saheb Singh Yadav is concerned, or any other suitable direction may be given to the respondents.

The applicant was appointed as Lineman on 2.5.1978 in the pay scale of Rs. 210-260. On 25.5.1983 an advertisement was made inviting applications from linemen and others for two posts of Cable Jointer. One vacancy was reserved for Scheduled Caste candidate and the other was for general candidate. Thus there were two vacancies. The selection was to be made on the basis of written test and aptitude test. 12 candidates including the applicant appeared at the test held on 10.10.1983. It is said that out of 50 marks the applicant obtained 37 marks in written test and 8 marks out of 10 marks in viva; whereas Saheb Singh obtained 27 marks in written test and 9 marks in viva. On 29.10.1984 the result was declared in which Saheb Singh

was declared as successful candidate and Dhan Singh was selected as Scheduled Caste candidate. In this way the applicant secured more marks than Saheb Singh and he ought to have been declared successful. The defence is that after a qualifying written test the candidates are selected on the basis of aptitude test. It is further alleged that applicant Bhagwan Singh got 28 marks out of 50 marks and not 37, as alleged by him, and Saheb Singh also got 28 marks out of 50 marks in the written test, but in the aptitude test Saheb Singh got 9 marks out of 10 and Bhagwan Singh was given 8 marks out of 10. So, in aptitude test Saheb Singh scored ~~more~~ ~~1~~ ~~mark~~ 1 more mark than Bhagwan Singh. There is an affidavit on behalf of the respondents to that effect. The applicant could not substantiate his allegation that he got 37 marks in written test. Actually speaking he got only 28 marks in written test. Written test is held to eliminate candidates who do not come up to the mark, and thereafter the selection takes place on the basis of aptitude test. In this way the written test is a qualifying test and the real test is the aptitude test. In any case, Saheb Singh got more marks than the applicant and the applicant's contention that he got more marks than Saheb Singh is not correct. Nothing was pointed out to us to show that there was any thing wrong in awarding more marks to Saheb Singh in aptitude test. The plaintiff could not make out a case justifying the relief which he is claiming.

The application is dismissed with costs on parties.

August 28, 1986. Vice Chairman.
R. Pr.

Member (A).