

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD.

T.A.No. 45 of 1987.

Geeta Prasad YadavPetitioner/applicant

Versus

General Manager(personnel) North Eastern
Railway, Gorakhpur & othersRespondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. K. Obayya, A.M.

(By Hon'ble Mr. Justice U.C. Srivastava, V.C.)

This is a transferred case under section
29 of the Administrative Tribunal Act.

2. The applicant filed a writ petition before the High Court praying that a writ of certiorari quashing the panel dated 1.2.84 issued by the respondent no.2 be issued. He has also prayed that a writ of mandamus be issued directing the respondents no.1 and 2 not to appoint the respondents no.13 to 18 as Chargeman Grade 'B' in the Mechanical Workshop at Gorakhpur. A notification was issued by the Additional Chief Mechanical Engineer (Workshop) on 6.8.83 notifying that a panel of Inter-Apprentices was to be prepared to fill up 25% posts of Chargeman Grade 'B' in the pay scale of 425-700 in various trades in the Mechanical Workshop at Gorakhpur, Izatnagar and Samastipur on the basis of selection through a written test followed by viva-voce. It is to be noted that 50% posts of Chargeman Grade 'B' were to be filled up directly by recruitment through the Railway Service Commission; 25% posts by promotion on the basis of seniority-cum-suitability and the remaining 25% posts were to be filled up through an open selection from amongst the railway employees. The

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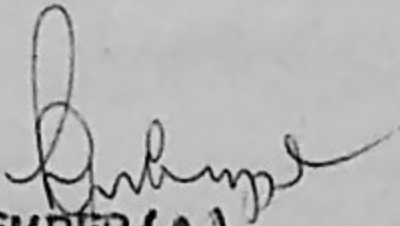
applicant, who was already in service and fulfilled the eligibility criteria, also offered himself for the said examination along with others. The aforesaid written examination consisted of a single objective type question paper comprising of 70 questions. The applicant, who could not succeed in the same, has raised his grievance and contended that the said papers were in English with the result that the applicant and others were not able to understand the questions and were unable to give answers of questions because of lack of understanding of the language and as such the written test held in pursuance of the notification is in violation of the rules governing the selection procedure and the action of the respondents in supplying the question paper in English alone is discriminating.

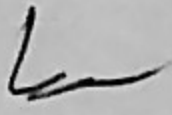
3. The respondents have opposed the application, filed by the applicant, stating that the applicant, who appeared in the examination, is not entitled to challenge the same. The applicant has studied only upto Intermediate and for promotional examination, the case of such employees cannot be equated with the highly educated persons and such employees cannot challenge the selection process. Anyhow, it has been stated by the respondents that they were within their right to issue the question paper in English. In this connection, reliance has been placed on Railway Board's Circular dated 11.10.79 which reads as follows:-

"So far as the question of departmental examinations for promotion to any technical Class III posts is concerned, it has been decided in supersession of instruction contained in Railway Board's letter No.E.(NG) 1/73/PMI/169 dated 26.9.73 that wherever found absolutely necessary in the administrative interest, the knowledge of English language of employees may be tested as per jobs requirements along with the knowledge of Hindi. The standard

of English should be decided according to the requirement of the particular post."

4. The minimum educational qualification, being intermediate, the entire paper was given in English. In the circumstances, it cannot be said that there was any deviation by the respondents, as such we do not find that the challenge stands on any sound footing. Accordingly, the application is dismissed. No order as to costs.


MEMBER(A)


VICE CHAIRMAN.

DATED: AUGUST 18, 1992

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