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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

Registration(OA) no. 1036 of 1987

Ravindra Kishore Gupta ... applicant.

Versus

Railway Service Commission Gorakhpur,  
through its Chairman ... Respondent.

Hon'ble D.S.Misra,A.M.  
Hon'ble G.S.Sharma, JM.

( Delivered by Hon'ble DSMisra)

In this application under Section 19 of the ATAct XIII of 1985, the applicant has sought a direction to the respondents to permit the applicant to appear at the interview to be held on 30.10.1987, or to conduct an interview for the applicant on any other subsequent date, not to declare the results of the interview ,if any, held on 30.10.1987, and to quash the proceedings of the interview to be held on 30.10.1987.

2. The admitted facts of the case are that the applicant was allowed provisionally to appear in the written examination for the post of Health Inspector held on 23.8.87. The applicant did not qualify <sup>in</sup> ~~the~~ written test and was,therefore, not called for interview. The applicant has challenged the award of marks in the written test and has claimed that he had obtained 85 marks out of 100 securing 11th position in the order of merit. The applicant has alleged discrimination on the ground that other candidates obtaining less marks than the applicant were called for interview. On <sup>by</sup> the request of the applicant, the original marksheet,

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containing the marks awarded to the candidates appearing in the written test was produced by the respondent.

3. We have heard learned counsel for the parties and have carefully perused the documents on record. We have examined the original marksheet signed by Dr. A.K. Mookherji, PA, CMO, N.E. Railway in which the applicant with roll no. 637 was awarded only 64 marks. We have also seen a final list of candidates which consists of 12 persons and includes the names of only those candidates who had obtained 65 marks or more. This list is signed by Sri Sita Ram Member/Secretary Railway Recruitment Board, Gorakhpur. It is stated in para 9 of the reply that according to the instructions of the Railway Board contained in their letter dated 3.8.83 (copy annexure CA 1), the number of candidates to be called for interview should be 2.5 times the number of vacancies except in the case of operating categories where psychological tests are to be conducted by the RDSO. Although it has not been stated, it appears that the 12 candidates in the final list of persons to be called for interview belonged to the general category against 4 advertised vacancies. According to the above mentioned circular of the Railway Board, it would have been sufficient to call 10 persons but from a perusal of the marksheet it is noticed that there were 3 candidates bracketed at 65 marks and on the principle of natural justice all the 3 were called for interview increasing the number from 10 to 12. The contention of the applicant that for one vacancy, 4 candidates should have been called, is against the instructions of the Railway Board.

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For the reasons mentioned above, we are of the opinion that the allegations made by the applicant are baseless and there is no merit in the application which is ~~properly~~ dismissed without any order as to costs.

{ J.M.

A.M.

JS/29.8.88