

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD.

....

Original Application No. 1665 of 1994

this the 24th day of April 2002.

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, V.C.
HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER(A)

Ajai Kumar Singh, S/o Sri Shripat Singh, aged about 27 years, R/o Village Parsauna, Post Office Barhara, District Sidharth Nagar.

Applicant.

By Advocate : Sri P.S. Pandey.

Versus.

1. Union of India through its General Manager, N.E.R., Gorakhpur.
2. Chief Personnel Officer, N.E.R., Chief Personnel Office, Gorakhpur.
3. Chairman, Railway Recruitment Board, N.E.R., Gorakhpur.
4. Sri Bakridan, Chairman, Railway Recruitment Board, N.E.R., Gorakhpur.

Respondents.

By Advocate : Sri V.K. Goel.

ORDER (ORAL)

JUSTICE R.R.K. TRIVEDI, V.C.

By this O.A. under Section 19 of the A.T. Act, 1985, the applicant has prayed to quash ~~the result~~ the altered result for the post of Traffic Apprentice published in the News paper 'Danik Jagran' dated 4.10.94. It has also been prayed that the respondents may be directed to take appropriate steps for giving the appointment on the basis of the result dated 1.10.94 published and pasted on the notice board of the Railway Recruitment Board, N.E.R., Gorakhpur.



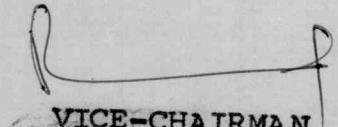
2. The facts, in short, giving rise to this dispute are that an advertisement was published in the Employment News inviting applications for selection for the post of Traffic Apprentice. The total vacancies mentioned were 16, out of which 12 posts were for general category and three posts for SC and one post for S.T. The written examination took place on 1.3.92. The applicant-Ajai Kumar Singh appeared in the same from Marwar Inter College, Gonda. The applicant qualified in the written examination and he was called ~~for~~ to appear ~~before~~ the interview. The due date for interview was 30.9.94. The case of the applicant is that 44 candidates were issued interview cards. The applicant appeared before the Interview Board on 30.9.94. The result of the interview was published on 1.10.94 and it was pasted on the notice board at about 11.00 P.M. on the same day, ~~it~~ is stated that as the applicant was eager to know the result, he was waiting and expecting the result on 1.10.94, he stayed in the Varendra of the Board Building till the result was published on 1.10.94 at about 11.00 P.M. The applicant had appeared with Roll No. 003205. It is stated that the result ^{was} declared and published in the notice board in which the Roll No. of the applicant was mentioned at the top. It is also stated that ~~that~~ the applicant was given the photostat copy of the result, which was published on 1.10.94. It is claimed that the applicant was orally asked to grease the palm of the respondent no.4 ~~himself~~ about which the applicant expressed his ⁱⁿ ability to meet the demands at once. However, he assured them to satisfy by fulfilling the demand within 24 hours. It is further claimed that the respondent no.4 ^{had} was demanded Rs.50,000/- from the applicant, otherwise he threatened to alter the result if he failed to give the money. The result was published in the News Paper

'Danik Jagran' dated 4.10.94 in which the Roll No. of the applicant was missing. Aggrieved ~~for~~ ^{by} the same, the applicant has filed the present O.A. for the relief mentioned above.

3. Counter reply has been filed denying the claim of the applicant. It has been stated that the Photo copy of the result filed as Annexure -1 is a forged copy and has been manipulated. It has also been submitted that in the summary sheet, the applicant had secured only 108 marks, break up of which is, that he secured 100 marks in the written examination and 08 marks in the interview. Thus, there was no question of his being selected for the post of Traffic Apprentice. During the arguments, Sri V.K. Goel, learned counsel appearing for the respondents produced before us the original summary sheet in which the name of the applicant was shown at sl. no. 18. He had secured 100 marks in the written examination and 08 marks in the interview. Thus, the total marks secured by the applicant was 108, which was also written in words. Sri V.K. Goel, learned counsel has further pointed-out that in the original summary sheet in column no.9 showing the marks of the written examination, in place of 100, it was written as 109. In the last figure of '0' of 100, ~~the same~~ was made '9' by adding line. Then, we asked the learned counsel for the respondents to produce before us the original answer book. Supplementary Counter reply has been filed wherein it has been stated that photocopy of the summary sheet was kept in the office before the original was sent to the learned counsel for being produced before this Tribunal. The photostopy of which has been annexed as Annexure to the Counter, which shows that ~~originally~~ ^{in the figure}, the marks shown as 100 and some efforts was made to show as 109. Sri V.K. Goel, learned counsel

for the respondents has said that it is very difficult to ascertain as to how the manipulation has been done in the record as the same was lying in his chamber. We have ~~cross~~ examined the contention of the counsel for the applicant about the result published on 1.10.94 at about 11.00 P.M. In the said result, the Roll Numbers ~~have~~ has been arranged according to the merit of the candidates. In the summary sheet, Anjani Kumar Singh with Roll No. 005038 had secured 118 marks (103 + 15). The equal marks were obtained by Shakiruddin with Roll No. 004663 (106 + 12), Brajanand Prasad Kashyap with Roll No. 004484 (106 + 12). All the candidates who secured 118 marks were shown according to the seniority and their age, one after another. In the first ~~three~~ ^{row} then 4th ^{Roll} number was 003966 Ashok Kumar Pandey against sl. no. 23 has been mentioned, who secured 117 marks. If the contention of the applicant is accepted then the name of the applicant should have been after the name of Ashok Kumar Pandey, who is elder than the applicant. Thus, ~~from~~ examining the matter from every angle, we do not find that the applicant was selected ~~for~~ ^{for} his total ^{Wisen} 108 marks, and there were several candidates, who ~~were~~ ^{had} secured much higher marks than the applicant. The alleged result published in the notice board was manipulated exercise which gave rise to this long litigation. The O.A. has no merit and the same is accordingly dismissed. No costs.


MEMBER (A)


VICE-CHAIRMAN

GIRISH/-