

Reserved

Central Administrative Tribunal,
Allahabad Bench, Allahabad.

Dated: Allahabad, This The 06th Day of April 2000.

Coram:

Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiq Uddin, J.M.

Original Application No. 1022 of 1999.

Roomi Kalim
son of Sri Jafar Kalim,
resident of 341,
Shahganj Pan Dariba,
Allahabad.

. . . Applicant.

Counsel for the applicant Sri Satish Mandhyan, Adv.

Versus

1. Union of India through General Manager,
Northern Railway, Baroda House, New Delhi.
2. Railway Recruitment Board through its
Chairman, New Annexe Bhawan, D.R.M. Office
campus, Nawab Yusuf Road, Allahabad.
3. Sri P.K. Gupta, Chairman Railway Recruitment
Board, New Annexe Bhawan, D.R.M. Office
Campus, Nawab Yusuf Road, Allahabad.
4. Sri Gopal Jee, Proprietor of Competent
Business Service, 18- Lukerganj, Allahabad.

. . . Respondents.

Counsel for the Respondents: Sri Prashant Mathur, Adv.

Order

(By Hon'ble Mr. Rafiq Uddin, J.M.)

The applicant ~~who~~ ^R appeared in the selection
for the post of Permanent Way Supervisor conducted

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by Railway Recruitment Board Allahabad for eight vacancies. Four of which are general and four for reserved category. The applicant has sought the quashing of the result of the aforesaid selection notified in the Newspaper on 31.8.99. The selection in question was notified in the Newspaper published on 31.8.99 in which vacancies in various categories including eight vacancies of Permanent Way Supervisor were notified. The written examination of the selection was held on 8.8.99 in which the applicant also participated and the result thereof was declared on 23.8.99. The name of the applicant was not mentioned in the list of successful candidates. The applicant has sought the quashing of the result on the ground that through reliable sources he has come to know that answer books of the candidates have been examined by a private computer operator who in connivance with the Chairman (Respondent No.2) has indulged in multifarious illegal activities including heavy underhand dealings, changing answer sheets of the selected as well as non selected candidates and the mass scale manipulations. The applicant has also alleged that the Chairman (Respondent No.2) who had demanded a sum of Rs.10,000/- as commission for awarding the contract of the selection to the respondent No.4 as ~~alleged~~^R, colluded with the respondents received Rs.1.50 lakhs from each candidate to be selected. Thus according to the applicant the examination has not been conducted in fair and proper manner and selection process is based on extraneous consideration giving the

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merit a complete go by.

2. The Chairman of the respondent no.2 has filed his own C.A. and has denied the allegations made by the applicant in this O.A. The Chairman of the respondent no.2 has explained and narrated in detail the procedure adopted at the time of selection to show that it was a full proof procedure in which there is no chance of any manipulation in the selection process. According to him the procedure of the selection is based on the special guidelines issued by the Railway Recruitment Control Board with a view to eliminate any shortcomings in the recruitment process. The Admit Card of candidates bear a photograph which is to be signed in the presence of the Invigilator during the examination held by the respondent No.2. The answer sheets consist of carbon less duplicate which are being printed on special machines. Each answer sheet having a unique identification. The candidates are not permitted to use pencil and are directed to use only ball pen to darken the selected bubble completely. The candidates are not permitted to separate the duplicate answer sheets and as a result the duplicate answer sheets attached with the main answersheets get some data automatically. The duplicate answersheets after the examination is separated from the main answer sheets by the Invigilator who also put his signature at the bottom of candidate's signature. The candidate has to fill certain requisite information in the respective columns as provided in the specially designed answersheets. The main answer sheets and the duplicate answer sheet are put

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roomwise in a separate envelopes/which are duly sealed in a separate bundles. The main answer sheets and duplicate answer sheets and other records/materials are handed over by Centre Supervisor to the Junior Administrative Grade Officer from the Railways who is not the officer of the respondent No.2. Besides these sealed bags and other material are handed over to the Centre Supervisor who are nominated to supervise and conduct the examination. In this way the main answer sheets are handed over to the authorised representatives of the nominated evaluating agency whereas the duplicate answer sheets are put in a separate colour cloth bag are sent to the office of respondent no.2 to be kept as a duplicate record. The purpose of this procedure is for cross checking and evaluating the marks given to any candidate to avoid any malpractice in the ensuing examination.

3. The evaluating agency also keeps the detailed record of the receipt of the envelopes roomwise and feeds the data of the answer sheets for further evaluation using auto reader by the computer. After the data has been captured by the computer, the final evaluation is done in the presence of the Chairman/Members Secretary of the R.R.B. with the keys of the answers. It is further stated that the result of the examination prepared by the evaluating agency is also cross checked by the Chairman/Member by manual evaluation of some answer sheets as an abundant precaution. The results are taken/ Floppies on the same day and are immediately sent to the

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Railway Recruitment Board for their record and reference for any cross checking to be carried out by them. The result of written examination is declared by the respondent no.2 only after getting the clearance from the Railway Recruitment Control Board. Thus the procedure which has been adopted in the selection in question is full proof without any chance of manipulation or mal-practice.

4. We have heard the arguments of the learned counsel for the parties and perused the pleadings on record.

5. It may be stated ^{very} at the outset that no R.A. has been filed by the applicant to the C.A. filed by the Chairman of respondent no.2. The results of the selection in question have also been placed before the Tribunal for perusal. It is also evident from the pleadings of the applicant that he has made wild allegations of mal-practice and manipulations in the selection in question but he has not filed any proof to prove the allegations. Applicant has made allegations merely on the basis of alleged reliable source which has not been disclosed before this Tribunal. In the absence of any proof it can not be concluded that any mal-practice or manipulation has been practiced in the selection as alleged by the applicant. The applicant is a candidate who failed in the written examination and it appears that he has filed the present O.A. merely out of frustration without any basis or proof.

We are satisfied from the counter reply in which

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the details procedure, described by the Chairman in conducting the selection process.

6. The O.A. is without any merit, truth and the same is dismissed. We also impose token cost ~~of Rs 250.00~~ on the applicant to remind him not to file such frivolous applications before a Court of Law without having any proof. The cost shall be paid to respondent no. 2.

Dafri Wadim

Member (J.)

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Member (A.)

Nafees.