

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated : This the 19th day of MAY 2004.

Original Application no. 138 of 2002.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman
Hon'ble Mr. S.K. Hajra, Administrative Member

1. Anuj Kumar Agarwal, S/o Sri M.C. Agarwal,
R/o Vill & Post Mai Biswar,
Hathras.
2. Sanjay Kumar Sengar, S/o Sri R.P.S. Sengar,
R/o Village Raj Nagar P.O. Maho,
Distt. Hathras.
3. Rajiv Kumar Sharma,
S/o Sri N.P. Sharma,
R/o Vill Sahabajpur, Post Arti
Hathras.
4. Harish Chandra Pal, S/o Bhagarathi Pal,
R/o Vill Shivpur, Post Mariahu,
Distt. Jaunpur.

... Applicants

By Adv : Sri R. Trivedi
Sria. Sharma

V E R S U S

1. Union of India through its Secretary,
Ministry of Railway,
NEW DELHI.
2. Chairman, Railway Recruitment Board,
Gorakhpur.

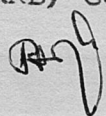
... Respondents

By Adv : Sri K.P. Singh

O R D E R

Justice S.R. Singh, Vice-Chairman.

An examination in pursuance to the notification dated 07.07.2001, issued by the Railway Recruitment Board (in short RRB) Gorakhpur, was held for the post of Junior



2.

Engineer. The applicants applied for the same and appeared in the examination conducted by the RRB Gorakhpur. They were declared successful in the 1st examination called preliminary examination. Thereafter, the second examination called final examination was scheduled to be held on 10.2.2002. It is the second examination i.e. final examination, the validity of which is under challenge in this OA.

2. The applicant's counsel submitted that in view of the circular issued by the Govt. of India, Ministry of Railways, no. 99/E(RRB)/25/2 dated 18.03.1999 the recruitment for the post of Junior Engineer were required to be made by single written examination and interview and, therefore, the second examination held on 10.02.2002 was not permissible. The respondents counsel on the other hand has submitted that in the notification issued by the RRB it was provided that written examination could be held in two stages namely preliminary examination and final examination and not only that circular dated 09.03.2000 also empowered the Chairman to arrange two stage examination even for those categories of posts for which a single phase examination was prescribed subject, of course, to prior approval of the Executive Director, Estt (RRB) obtained for conducting two stage examination wherein single stage is prescribed. The said circular also provides that the employment notice should invariably have a suitable stipulation clarifying that the recruitment shall be done either by single stage examination or two stage examination at the discretion of RRB.

3. The advertisement/notification in the instant case stipulates that the written examination could be held in two stages approval for which was granted by the RRB vide letter dated 24.09.2001 copy of which has been annexed as annexure 2

....3/-

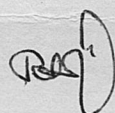
3.

to the counter affidavit. In that view of the matter no presumption can be taken for the second examination held on 10.02.2002.

4. The respondents counsel has then submitted that the approval granted by the RRB for conducting the written examination in two stages was not in conformity with the requirement of circular dated 09.03.2000 which empowers the Chairman to arrange two-stage examination for those categories of posts for which single stage examination has been prescribed, if in his opinion, the number of applicants is so large that strict control over invigilation at all examinations centers becomes difficult. A perusal of letter dated 30.08.2001, in the context of which RRB approved two stages examination would indicate that the request for grant of approval to hold the examination in two stages was made with a view maintaining the purity and transparency of the examination and also with a view to preventing the candidates from resorting to unlawful means in the examination. In any case, the applicants, appeared in the preliminary examination pursuant to the notification which stipulated the examination in two stages and it is now not open to them to challenge the validity of the second/final examination. In our opinion no ground for interference is made.

5. Accordingly the OA is dismissed with no order as to costs.


Member (A)


Vice-Chairman

/pc/