

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Original Application No.1044 of 2002.

Allahabad this the 08th day of August 2003.

Hon'ble Mr.Justice R.R.K. Trivedi, V.C.
Hon'ble Mr.D.R. Tiwari, A.M.

Birendra Kumar Yadav
son of Sri Chandrika Prasad Yadav
Resident of Village and Post Anguli,
District Jaunpur.

.....Applicant.

(By Advocate : Sri Yatindra)

Versus

1. The Union of India
through the Secretary
Ministry of Railway
Government of India
New Delhi.
2. The Chairman,
Railway Recruitment Board,
Allahabad.

.....Respondents.

(By Advocate : Sri A.K. Gaur)

O_R_D_E_R

(Hon'ble Mr.Justice R.R.K. Trivedi, V.C.)

By this O.A., filed under section 19 of
Administrative Tribunals Act 1985, the applicant has
challenged the order dated 17.07.2002 (Annexure 1) by
which the candidature of the applicant for selection for
the post of Supervisor (P Way) has been cancelled
^{in banc}
and he has further debarred from all examination to
be conducted by Railway Recruitment Boards.

2. Learned counsel for the parties have agreed that
in similar circumstances and similar allegations, Division
Bench of this Tribunal passed in O.A. No.900/02 alongwith
O.A. No.919 of 2002 Sri A.K. Gupta and others Vs. Union
of India and others, by order dated 13.05.2003 partly
allowed the O.As and set aside the order and directed
the respondents to hold entire examination again after
canceling the examination held on 26.03.2000 by giving
opportunity to all those who had appeared earlier to



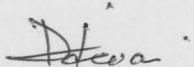
appear again by issuing a proper notification. It may be submitted here that there were 23 candidates against whom the similar action was taken. Applicant is one of them.

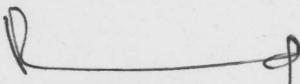
Operative portion of the order is being re-produced below:

"We, therefore, quash the impugned order and direct the respondents to hold the entire examination again after cancelling the examination held on 26.03.2000 by giving opportunity to all those who had appeared earlier to appear again by issuing a proper notification by advertising the same widely in Newspaper and Notice Board etc. Hon'ble Supreme Court had held in 2002 (ii) SC SLJ 280 where exams are cancelled on the ground that unfair means were adopted by large number of candidates or due to irregularities of illegalities it is not necessary to issue show cause notice to all. Similar view has also been expressed by Hon'ble High Court in A.I.R 1987 All 208. Therefore, it would not be necessary to issue separate show cause notice to all the candidates".

3. In our opinion, the applicant is entitled for similar relief. The O.A. is accordingly allowed on the same terms and condition as provided in the order quoted above.

No order as to costs.


Member-A.


Vice-Chairman.

Manish/-