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CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH

Original Application No.137 of 1993

Cuttack this the 10th day of November, 1994

Susanta Kumar Dinda

Applicant(s)

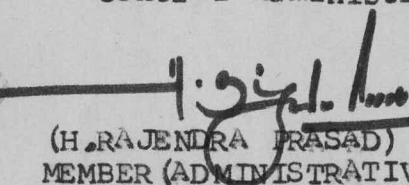
Versus

Union of India & Others

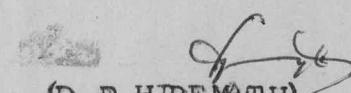
Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? *no*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ? *no*

  
(H. RAJENDRA PRASAD)  
MEMBER (ADMINISTRATIVE)

10 NOV 94

  
(D. P. HIREMATH)  
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH

Original Application No. 137 of 1993

Cuttack this the 10th day of November, 1994

C O R A M:

THE HONOURABLE MR.JUSTICE D.P.HIREMATH, VICE - CHAIRMAN

AND

THE HONOURABLE MR.H.RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE)

Susanta Kumar Dinda aged about 27 years,  
S/o. Parsuram Dinda,  
At/PO: Bhandari polly  
Via : Hatigarh, Dist: Balasore-756033

... Applicant/s

By the Advocate: Mr. Pradipta Mohanty

Versus

1. Union of India, represented by the  
General Manager, South Eastern Railway  
Garden Reach, Calcutta-43, East Bengal

2. Railway Board, represented through  
its Chairman, New Delhi

3. Railway Recruitment Board,  
represented through its Chairman  
Orissa Forest Development Corporation  
Building, Second Floor, A-84, Kharavelanagar  
Bhubaneswar-751001

... Respondent/s

By the Advocate: Mr. L. Mohapatra  
Standing Counsel (Rly. Administration)

O R D E R

D.P.HIREMATH, V.C.: The petitioner here in one of the candidates  
who appeared among <sup>other</sup> all the candidates for the post of  
Chargeman-B (Electrical) in the South Eastern Railway and in  
pursuance to Employment Notice No.6/92, he applied to be  
considered for that post along with others. Out of six posts  
which were vacant five had to be filled by the candidates of  
general community and one was reserved for S.T. candidates.

A written examination was held and he was allotted Roll  
Number 001214. Written test was held on 3.1.1993. 170 marks

were allotted for written test. Thereafter viva voce test was also held on 26.2.1993. The Interviewing Board consisted of the Chairman RRB, Workshop Electrical Engineer, Mancheswar and Principal, System Tech. School, S.E.Rly., Kharagpur. During viva voce test, the petitioner found that some of the candidates were openly announcing that they will get appointment because of their nearness to the then Railway Minister, Shri K.C.Lenka or certain member of Parliament. According to him, he was in third position whereas, applicants with Roll No.002299 and 001187 were the first and second. The same day the results were notified wherein his name was missing. He was surprised at the results published.

Respondent No.3, according to the applicant, i.e. Railway Recruitment Board Chairman has acted in a clandestine manner to satisfy the people having political clout and the candidates who were close to the Railway Minister had an upper hand and meritorious poor candidates had to suffer. Therefore, according to him, the list of selected candidates is an outcome of manipulation and fraud and undeserving candidates find place in the selection list. He prays for quashing the list and wants this Tribunal to direct that the selection shall be made strictly according to merit.

2. Respondents, inter alia, have stated that out of candidates who appeared at the examination five were selected and their Roll Numbers have been given in para 6 of the counter. The results of the written test and the interview were fair and none of the members in the Interviewing Board were subjected to any influence from any quarters whatsoever. They have also made it clear that the candidates so selected

have not yet been issued with the orders of appointment. It is stated that as per usual practice, candidates called for the viva voce test are at the minimum upto two and half times the number of posts to be filled.

3. The petitioner applied for calling for the records of the examination as well as the original tabulation form to urge his point. Accordingly, the learned counsel for the respondents placed before us a sealed cover containing the Answer Books of the candidates <sup>who</sup> to have been selected as well as of the petitioner and also the original tabulation form consisting of the marks obtained by each of them <sup>in</sup> of the written test and also the viva voce. Having gone through the Answer Books and the tabulation form, we ~~were~~ <sup>examined</sup> satisfied that there were ~~erasers~~ <sup>erasures</sup>, additions and manipulations made freely with the ulterior motive in the Answer Books.

4. The perusal of the Answer Book of the candidate with Roll No. 001078 (Umakanta Panigrahi) shows that though at Sl. No. 3, in the first page of the answer book, his marks were shown as '00' it was changed to '20'. At Serial Number 11, there has been correction of the original marks to 25, the original mark appearing to be 20 ~~also~~. This is how the total was brought to 95. In second page of the answer book though the marks <sup>given</sup> ~~quoted~~ for Question No.11 B were 10, later 5 has been added by someone to make it 15. In page No.4, after the answer 1/8 written by the candidate, there could be

seen some alteration to 0.8 by someone. The facing page of the Answer Book of the candidate 001235(Sri Biswaranjan Sahoo) shows over-writing at three places. At Sl.No.2, original mark 16 appears to have been changed to 18 and total 91 appears to have been changed to 94. It is not possible to make out how and why answer book 001567 of candidate Rajani Kanta Guru was evaluated by different examiner and marks noted in pencil as also his signature as apparently initials on this answer book are totally different from the initials of the other examiner. There is practically no explanation coming forth as to how and why this examiner was different from this paper alone. We have perused the original tabulation which reveals that the marks obtained by the petitioner in the interview were altered and then total made of the marks obtained in the written test as well as the interview. Even for a naked eye it appears that the marks obtained by the petitioner were originally 24 and the same reduced to 22 by subsequent correction and to tally with this correction total was also brought down to 117 from 119.

5. Whatever may be the motive of the persons responsible for these manipulations and interpolation, it is apparently clear that the evaluation either of the written test or the viva voce examination was not fair and above board. The petitioner is right when he makes a grievance that these corrections were motivated only to favour some of the candidates and confer benefit on them. While such a state of affairs is so clear on the face of this tabulation form, what is left to us is only to quash the select list as also

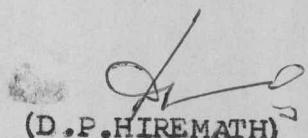
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the results of the examination. It would not meet the ends of justice if only re-valuation is ordered to be made as so much could be said in the matter of evaluation or tabulation; as the case may be. It is only proper that the entire process of selection shall be made afresh by holding fresh written examination and the evaluation entrusted to persons with unbiased integrity who could be trusted. With these observations we quash the select list prepared by virtue of the notification referred to above and we also quash the results of the examination as also the viva voce test results and we direct that a fresh notification advertising the posts be issued and fresh examinations both written and viva voce be held within 90 days from the date of receipt of a copy of the order.

We further direct in the interests of the petitioner as well as the candidates who appeared for the test and qualified for being interviewed that even if they become overaged when the applications are invited afresh, their applications shall not be rejected on the ground that they are overaged. To that extent we direct relaxation of age of the petitioner and of the candidates who have qualified themselves. With these observations and directions the application is disposed of. No costs.

  
(H. RAJENDRA PRASAD)  
MEMBER (ADMINISTRATIVE)

16 Nov 94

  
(D. P. HIREMATH)  
VICE-CHAIRMAN

B.K.Sahoo//