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CENTRAL ADMINISTRATIVE TRIBUNAL,

CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 410 OF 1995  
Cuttack, this the 23<sup>rd</sup> day of July, 2001

Rajib Kumar Das ... Applicant

Vrs.

Union of India and others .... Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not? Yes
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No

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(G. NARASIMHAM)  
MEMBER (JUDICIAL)

Sonmathi Van  
(SONMATHI VAN)  
VICE-CHAIRMAN  
23.7.2001

CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 410 OF 1995  
Cuttack, this the 23<sup>rd</sup> day of July, 2001

**CORAM:**

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN  
AND  
HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

.....  
Rajib Kumar Das, aged about 27 years, son of Sri Suresh Chandra Das, resident of Aparna Nagar, Chauliaganj, P.O-Cuttack-753004, District-Cuttack

..... **Applicant**

Advocate for applicant - Mr.S.C.Samantray

**Vrs.**

1. Union of India, represented by the Secretary to Government of India, Ministry of Railway, At-Rail Bhawan, New Delhi-110 001.
2. General Manager, South Eastern Railway, At-Garden Reach, Calcutta-43 (W.B.).
3. Railway Recruitment Board, represented by its Chairman, At-Orissa Forest Development Corporation Limited Building (Second Floor), A-84, Kharvel Nagar, Bhubaneswar-751 001, District-Khurda

..... **Respondents**

Advocate for respondents - Mr.Ashok Mohanty

.....  
**ORDER**

SOMNATH SOM, VICE-CHAIRMAN

Being unsuccessful in the selection for the post of Tr.Electrical Foreman/Assistant Shop Superintendent conducted by the Railway Recruitment Board (hereinafter referred to as "R.R.B."), the applicant has approached the Tribunal with the prayers for quashing the selection panel at Annexure-A/6 and for a direction to the respondents to re-empanel the candidates including therein the applicant. The respondents have filed counter opposing the prayers of the applicant. No rejoinder has been filed. The applicant

has filed MA No. 84 of 2000 praying for calling for marksheet in the viva voce test and the original question-cum-answer papers of 51 candidates who have qualified in the written test. The respondents have filed counter to the M.A. We have heard Shri S.C.Samantray, the learned counsel for the petitioner and Shri Ashok Mohanty, the learned Senior Panel Counsel for the respondents on the O.A. as well as on the M.A. It was indicated that orders on the M.A. would be passed along with the orders on the O.A. For considering the prayers of the applicant it is not necessary to go into too many facts of the case.

3. The admitted position is that the applicant is a Bachelor of Engineering in Electronics and Telecommunication. He applied for the post of Tr.Electrical Foreman/Assistant Shop Superintendent in pursuance of the Employment Notice at Annexure-1. In the Employment Notice it was mentioned that educational qualification is Engineering Degree holder in Mechanical/Electrical/Electronics Engineering with the stipulation that the candidates having Degree in Electrical/Electronics Engineering will be preferred. In all there were 20 vacancies of which 11 were unreserved, four for Scheduled Caste and 5 for O.B.C. The applicant qualified in the written examination and his Roll No.301029 was published by the R.R.B. in their notice at Annexure-A/5 calling him along with other qualified candidates to the interview. In the final panel published at Annexure-A/6 the applicant's name was not there under unreserved category to which he belongs and in the context of the above facts he has come up with the prayers referred to earlier. The grounds on which the applicant has challenged the process of selection can be discussed in seriatim.

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4. The first ground urged by the petitioner is that in the Employment Notice it was mentioned that preference would be given to candidates having Degree in Electronics Engineering and the applicant was the only Degree holder in the said stream. The respondents in their counter have denied the above averment that the applicant was the only Degree holder in Electronics Engineering. On the other hand, they have stated that out of 52 candidates who were called to the interview, there were 13 candidates who were Degree holders in Electronics Engineering and 30 candidates who were Degree holders in Electrical Engineering. From this it appears that out of the 52 candidates who were called to the interview as many as 43 candidates had Degree in Electrical and Electronics Engineering and the applicant was not the sole candidate having Electronics Engineering. This contention of the applicant is, therefore, held to be without any merit and is rejected.

5. The second ground urged by the learned counsel for the petitioner is that some of the OBC candidates whose names appear in the list of persons who have qualified in the written test, were finally selected under the General Category against the 11 posts meant for unreserved category. It has been submitted by the learned counsel for the petitioner that this shows that the selection was not properly done. The respondents have pointed out that six OBC candidates who were called to the interview got high marks and were included in the general panel against unreserved category of posts by virtue of their merit position and not because of any relaxed standard of selection and therefore, they were shown against

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unreserved category. This is the normal practice. The respondents in their counter have indicated the marks of these six OBC candidates who occupied positions from 2nd to 9th position in the General Category. There is, therefore, no illegality involved in this. This contention is also held to be without any merit and is rejected.

6. The third ground urged by the learned counsel for the petitioner is that in the final panel of the five selected candidates from SC candidates, the last roll number was 101839. But this SC candidate was not called to the interview as per the list of candidates called to the interview at Annexure-A/5 and therefore, it is stated that the selection was not properly done. The respondents have pointed out that the candidate belongs to SC and according to the scheme of examination all SC candidates were given roll numbers beginning with digits "10", all OBC candidates were given roll number beginning with digits "20" and all General Category candidates were given roll numbers beginning with digits "30". Because of clerical mistake, this SC candidate was assigned a General Category roll number of 301839. This candidate got 99 marks in the written examination and as he was initially taken to be a General Category candidate, his name was not included in the list of candidates who qualified in the written examination and were called to the interview. Later on after check it was found that this candidate belongs to SC category in respect of which cut-off marks for qualifying in the written examination were 94 and therefore, he had qualified for being called to the interview. Accordingly, his name was again notified and a call letter was issued to him. Because of paucity of time his roll number was not published in the

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newspaper. This candidate secured 18 out of 30 marks in the interview and with total 117 marks, he ranked fourth in the final merit list for SC category. We find the above explanation reasonable. The respondents have also given the detailed marks of different candidates and we find that the applicant Rajib Kumar Das got 113 marks in the written examination and 14 marks in the interview and in total he got 127 marks which were much lower than the last candidate of General Category included in the panel who got 139 in total. We find that all the General Category candidates who were included in the panel got higher marks than the applicant in the written examination. Because of this, along with the marks in the interview, those candidates have been included in the panel and the applicant has been left out. In any case, the SC candidate having the roll no.101839, which was initially given as 301839 has not competed with the applicant. He has come as a Scheduled Caste candidate against a post meant for SC with relaxed standard. The applicant as a General Category candidate has not been able to come within the merit list of General Category candidates.

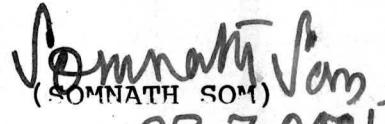
*V.Sam*  
7. The learned counsel for the petitioner has urged that because of this mistake with regard to the SC candidate with roll no.101829, the entire examination must be taken to have been vitiated. We find no merit whatsoever in this submission. The respondents have explained reasonably how the SC candidate having roll no.101839 was not included in the list of candidates called to the viva voce but was included in the final panel after his name was notified for the interview separately. We, therefore, reject the contention of the learned counsel for the petitioner that the examination has been vitiated because of this mistake which in any case has been corrected.

8. As regards the prayer in the MA we find that the respondents in their counter have given the detailed marks of all the candidates and therefore, no purpose will be served by calling for the answer papers. It is also not open for the Tribunal to re-assess the answer papers of the applicant in the written examination in which he had qualified. It is still more impossible for the Tribunal to assess if the applicant has been incorrectly assessed in the interview.

9. In view of our above discussions, we hold that the Original Application is without any merit and the same is rejected. No costs.

  
(G. NARASIMHAM)

MEMBER (JUDICIAL)

  
(SOMNATH SOM)  
23.7.2001  
VICE-CHAIRMAN

CAT/CB/ 23rd July, 2001/AN/PS