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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No.260/00117 of 2015
Cuttack, this the 10th day of March, 2015

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HON'BLE MR. A.K. PATNAIK, MEMBER (J)
HON'BLE MR. R.C. MISRA, MEMBER (A)

N. Dhanalaxmi,
aged about 34 years,
D/o- N. Appa Rao,
C/o.- M. Chandibabu,
At-Mohanty Line, Raja Bazar,
PO/PS-Jatani, Dist-Khurda,
State-Odisha.

..... Applicant
(Advocates: M/s. B. Pradhan, D. Mishra, S. Mohapatra)

VERSUS

Union of India Represented through

1. Chairman, Railway Recruitment Cell,
East Coast Railway, 2nd Floor,
South Block, Rail Sadan,
At/PO/PS: Chandrasekharpur,
Bhubaneswar, Dist-Khurda.
2. Chief Personal Officer(Recruitment),
East Coast Railway, 2nd Floor,
South Block, Rail Sadan,
At/PO/PS: Chandrasekharpur,
Bhubaneswar, Dist-Khurda.
3. Asst. Personal Officer(Recruitment),
East Coast Railway, 2nd Floor,
South Block, Rail Sadan,
At/PO/PS: Chandrasekharpur,
Bhubaneswar, Dist-Khurda.

..... Respondents
(Advocate: Mr. T. Rath)

ORDER(Oral)

A.K. PATNAIK, MEMBER (J):

Applicant was a candidate for the post of Trackman, Helper-II under the Recruitment Cell of East Coast Railway, Bhubaneswar. She having qualified in the physical efficiency test was called upon for document verification and medical examination. She was also medically declared fit. At the time of document verification, it was detected that in the H.S.C. certificate her date of

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birth has mentioned as 28.09.1980 whereas, as per her declaration while applying for the post, the date of birth is mentioned as 25.09.1980. According to applicant when she received the HSC Certificate on 31.12.1997, her name had wrongly been mentioned as "N. Dhaonlaxmi" in place of "N. Dhanalaxmi" and his date of birth as 28th Sept, 1980 in place of 25th Sept, 1980. Having found these discrepancies, she moved the appropriate authorities and on 19.08.2014, Board of Secondary Education, Orissa issued a new HSC certificate. But unfortunately the date of birth as wrongly recorded "28.09.1980" could not be changed to 25.09.1980. Again applicant submitted an application to the Principal, S.E. Railway Mixed High School, Khurda Road on 28.08.2014 for correction of her date of birth. While the matter stood thus, applicant received a letter dated 19.08.2014 by the Railway Recruitment Cell, East Coast Railway, Bhubaneswar to the effect that if she did not produce the document (corrected original matriculation certificate) in time for verification, her candidature, against the Employment Notice dated 31.07.2012 could be treated as cancelled.

2. Thereafter the applicant moved the Hon'ble High Court of Orissa in W.P.(C) No.22645/14 for direction to Board of Secondary Education Orissa to correct the date of birth as 25.09.1980 in place of 28.09.1980. The Hon'ble High Court vide order dated 01.12.2014 disposed of the said writ petition by granting liberty to the applicant to move before the appropriate forum with her grievance on the basis of materials available with her. Consequently applicant has filed C.S. No.8376/14 on 08.12.2014 before the Court of Civil Judge (Sr. Division), Bhubaneswar for correction of her date of birth.

3. It is the case of the applicant that all the school documents and letter issued by the Principal, S. E. Railway Mixed High School, Khurda would go to

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show that her date of birth is 25.09.1980. Based on these submission applicant has sought for the following relief:-

- “(i) To direct the Respondents to allow the applicant, to join in her post i.e., Trackman Helper-II for which she has been selected by the Rly. Authority basing on the HSC Examination, 1996 Certificate, in which the date of birth i.e., 28th September, 1980 subject to change if any by the Civil Court decree in C.S. No.8376/2014 which has been filed as per the direction of Hon’ble High Court of Orissa in W.P. (C) No.22645/2014.
- (ii) For direction to quash the letter dt.19.08.2014 issued by the respondent No.3 i.e., A.P.O. Rly. Recruitment Cell, E.Co. Rly, Bhubaneswar.”

4. This matter came up for admission on 10.03.2015. Accordingly, we have heard Mr. B. Pradhan, Ld. Counsel for the applicant and Mr. T. Rath, Ld. Standing Counsel for the Respondents-Railway and also perused the records. Mr. Pradhan submitted that the School Admission Registrar as well as School Leaving Certificate would show that the applicant’s date of birth is 25.09.1980 and therefore, she should not be made to suffer due to the wrong committed by the authorities of B.S.E. Orissa.

5. On the other hand Mr. Rath submitted that Respondents are obliged to take into account the High School Certificate issued by the B.S.E., Orissa in support of date of birth of the applicant and not any other document. Therefore, the action of the Respondents cannot be called in question.

6. At this stage, Mr. Pradhan sought leave of the Tribunal to withdraw this O.A. with a prayer to file a better O.A. after finalization of the Civil suit before the Court of Civil Judge (Sr. Division), Bhubaneswar. In view of this, the O.A. is disposed of as withdrawn. No costs.

(R.C.MISRA)
MEMBER(A)

(A.K.PATNAIK)
MEMBER(J)