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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

DATE OF ORDER : 04.08.1999

O.A.NO. 423/1995

R.K.Rai S/o Shri Shiv Bachan Rai aged about 55 years, R/o Subhash Market, First Floor, Abu Road, at present employed on the post of Vice Principal, Railway Secondary School, Abu Road, Western Railway.

.....Applicant.

VERSUS

1. Union of India through the General Manager, Western Railway, Church Gate, Bombay.
2. Sh.S.Banjara, Head Master, Secondary School, Dauhad Distt. Panchmanchan, Western Railway (Gujarat).
3. Shri M.Maqbool, Head Master, Secondary School, Bhavnagar, Para, Western Railway (Gujarat).
4. Shri Mahaveer Singh, Head Master, Secondary School, Ratlam, Western Railway.

.....Respondents.

CORAM :

Hon'ble Mr. A.K.Misra, Judicial Member

Hon'ble Mr. Gopal Singh, Administrative Member

Mr.J.K.Kaushik, Counsel for the applicant.
Mr.S.S.Vyas, Counsel for the respondent No. 1.
None present for the other respondents.

PER MR. A.K.MISRA :

The applicant, who was working on the post of Vice Principal, Railway Secondary School, Abu Road, Western Railway, filed this O.A. with the prayer that the impugned Notification dated 11.7.1994 for selection and promotion to group 'B' post of Head Master and selection panel dated 7.9.1994, Annex.A/2, issued by the first respondent be

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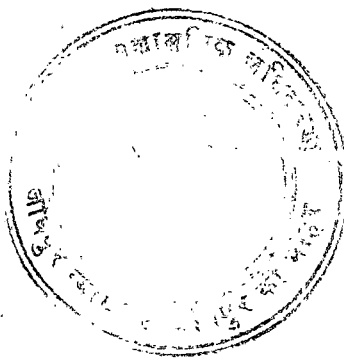
declared illegal and quashed. The respondents be directed to conduct the selection for the said post after correctly assessing the vacancies in the light of record note 2.2 of the Railway Board.

2. Notice of the O.A. was given to the respondents who have filed their reply. Private respondent No. 4 filed his separate reply.

3. We have heard the learned counsel for the parties and gone through the case file.

4. The respondents have not disputed that the applicant is working on the post of Vice Principal in the grade of Rs. 2000-3200 with a special pay of Rs. 150/- per month but have disputed that the post of Vice Principal and that of Head Master are same. It is alleged by the respondents that the post of Head Master is a group 'B' gazetted post in the scale of Rs. 2000-3200. The post of Vice Principal and that of group 'B' Head Master though bear the same pay scale yet they are different. The post of Head Master is a gazetted post whereas the post of Vice Principal is not a gazetted post. It is also alleged that applicant had appeared in the viva voce test but could not qualify the same and, therefore, his name does not find place in the panel, Annex.A/2. No case of ignoring the applicant or discrimination has been made out by the applicant.

5. The learned counsel for the applicant has submitted that the applicant has been working on the post of Vice Principal, therefore, in the viva voce test he should not have been declared unsuccessful. In other words, he means to say that the applicant should have been selected. But in our



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opinion, this argument is not convincing. The post of Vice Principal and that of group 'B' post of Head Master, are not similar posts although they bear similar pay scale. The Notification, Annex.A/1, is relating to selection board for promotion to group 'B' post of Head Master wherein three vacancies had been identified for Head Master. Applicant figured at number 3 in the eligibility list to appear before the Board. Since the applicant did not qualify in the viva voce for the said post, therefore, he cannot claim to be placed in the panel simply because he was working on the post of Vice Principal. While working on the post of Vice Principal, the applicant was being given special pay but that post is not a gazetted post. The applicant cannot claim to be selected for the post of group 'B' Head Master on the basis of working in similar pay scale post of non gazetted rank. Needless to say that applicant had appeared in the selection test but remained unsuccessful, therefore, in our opinion, has no right to challenge the vacancies or any other procedural drill of the selection board.



6. The Original Application in our opinion bears no merit and deserves to be dismissed and is hereby dismissed with no orders as to cost.

Gopal Singh
(Gopal Singh)
Adm. Member

4/8/99
(A.K. Misra)
Judl. Member

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