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CENTRAL ADMINISTRATIVE TRIBUNAL

**Original Application No. 210/2008
JODHPUR : THIS IS THE 24th FEBRUARY, 2011.**

**CORAM :
HON'BLE DR. K.B.SURESH, MEMBER [J]
HON'BLE MR.SUDHIR KUMAR, MEMBER [A]**

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Ms. Nanda D/o Shri Bhanwar Lal Upadhyay, aged 32 years, resident of 7 B-12, III Pulia, Chopasani Housing Board, Jodhpur.

APPLICANT

For the Applicant : Mr. B.K.Vyas.

VERSUS

- 1- Union of India through the General Manager, North Western Railway, Jaipur.
- 2- Divisional Railway Manager, North Western Railway, Jodhpur Division, Jodhpur.
- 3- The Senior Divisional Personnel Officer, Divisional Railway Manager's Office, North Western Railway, Jodhpur Division, Jodhpur.
- 4- Ajay Bhati S/o Shri Rameshwar, Class IV Employee, C/o The Senior Divisional Personnel Officer, North Western Railway, Jodhpur Division, Jodhpur.

RESPONDENTS.

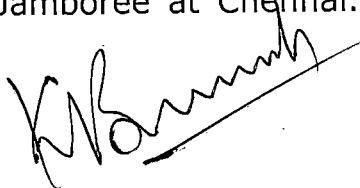
For the Respondents 1 to 3 : Mr. Govind Suthar for Mr. Manoj Bhandari
For the Respondents 4 & 5 : None present.

ORDER

[PER DR. K.B.SURESH, MEMBER (J)]

Heard.

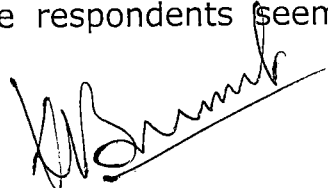
- 2- The applicant submits that respondent Nos. 4 and 5 who were inferior in qualification, have been appointed in Group 'D' post advertised for recruitment of qualified persons under Scout/Guide quota 2007-2008. She would say that she is in possession of Rashtrapati Guide Award & Rajya Puraskar Guide Award and she had attended the National Youth Forum, Gorakhpur, and attended National Rover/Ranger Samagam at Panch Marhi (MP). It is stated that she had also participated in the Golden Jubilee Jamboree at Chennai. She would say that



respondents No. 4 and 5 are less meritorious to her and that the respondents have arbitrarily awarded higher marks in the interview to these private respondents.


3- The respondents have filed a detailed counter affidavit in which they have submitted that the candidates being eligible for recruitment against Scout/Guide Quota Group 'D' posts were called to appear in written test and out of the 14 candidates, 10 were found to be eligible to be called for the interview, in order of merit, based on marks obtained in the written test. The respondents have stated that they have allocated 50 marks for written test, 35 marks for Scout/Guide activities and 15 marks for Interview as per the Railway Board's letter dated 4.5.2000 circulated under NR PS No. 12027/2000, produced along with the reply as Annex. R/1. Apparently written test was conducted and 10 meritorious candidates were adjudged on the basis of Scout/Guide activities and the interview was held. We note that for interview 15 marks was allotted which is in accordance with the rulings of the Hon'ble Apex Court.

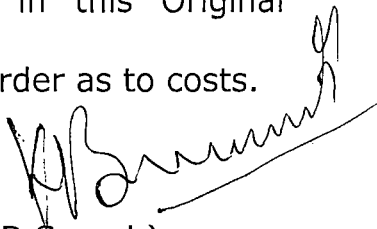
4- The applicant had not filed a rejoinder to contest the averments stipulated by the respondents in their detailed counter affidavit. She had not stated anywhere in the pleadings as to why she considers the two private respondents as non-meritorious in comparison to her. Without pleadings in this respect, it is not possible to determine whether anyone among them would have been inferior to her. The process and procedure adopted by the respondents seems to be fair and



transparent and there is nothing to challenge the methodology adopted by the respondents in the written examination or the way of analyzing the marks in the Scout / Guide activities,


Dr. Therefore, we find that there is no merit in this Original Application, which is hereby dismissed, with no order as to costs.


(Sudhir Kumar)
AM


(Dr.K.B.Suresh)
JM

jrm

दिनांक 21-4-16 के आदेशानुसार
मेरी उपस्थिति में दिनांक 09-6-16
को खण्ड-II के III नष्ट किए गए।


अनुमान अधिकारी
केन्द्रीय प्रशासनिक अधिकरण
जोधपुर न्यायपीठ, जोधपुर