

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A No.451/2008

Monday the 16th February 2009

C O R A M:

**HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Ms K.NOORJEHAN, ADMINISTRATIVE MEMBER**

**Mrs Juliet John J.V, Albin Bhavan
Near CSI Church, Amaravilla
P.O. Neyyattinkara, Thiruvananthapuram.**

Applicant

(By Mr.V.N.Ramesan Nambisan, Advocate)

Vs.

- 1 **The Chairman, Railway Recruitment Board
5,P.V.Cherian Crescent Road, Near Thiraj College
Egmore, Chennai – 8.**
- 2 **General Manager, Southern Railway, Chennai**
- 3 **The Divisional Manager, Southern Railway
Thiruvananthapuram.**

Respondents.

**(By Mrs Sumathi Dandapani Sr.
Mr.Thomas Mathew Nellimoottil)**

O R D E R

HON'BLE MR.GEORGE PARACKEN JUDICIAL MEMBER

The applicant has applied for the post of Teacher Grade-IV (Mathematics/EM) in terms of Annx.A1 notification dated 23.2.08 issued by the respondents in Mathrubhumi, Employment News etc. She qualified the on-line test conducted by the respondents on 25.05.2008 for the aforesaid post and her Roll No. was 18081144000383 (Annx.A3). Thereafter, she was called for interview on 8.7.2008 at Chennai. Her grievance is that her name

does not appear in the list of finally selected candidates recommended for appointment to various posts including the post of Teacher Grade IV (Mathematics/EM). It is averred that she belongs to OBC category and persons who have not applied for the post of Teacher Gr.IV Mathematics (EM) have been selected against that post. She has also mentioned the specific case of Smt.Sumi Mary Mathew who have applied for another category but was selected as Teacher Gr.IV Mathematics (EM). Mr.Ramesan Nabisan, counsel for the applicant argued that the non-inclusion of the applicant in the list of selected candidates is because of the material irregularities committed by the respondents and, therefore, it is arbitrary and illegal.

2 The respondents have filed their reply statement and the applicant has also filed the rejoinder. Thereafter, an additional reply has also been filed by the respondents. They have controvorted the various contentions raised by the applicant. The respondents have also produced the "Overall Merit Position of all candidates attended interview on 8.7.2008 for the post of Teacher Gr. IV". The Sr.Counsel for the respondents Smt.Sumathi Dandapani has submitted that as against two posts earmarked for OBC candidates, one Shri Venkateswara Rao Kandi and another Shri Madan Mohan Patel who have secured 69.8 and 62.72 marks in the examination and interview were selected. Since the applicant who also belongs to OBC category has secured only 45.7 marks, she was not selected. As regards the allegation of Sumi Mary Mathew, it has been submitted that she belongs to ST category and she has been considered against the post reserved for ST candidates and the applicant cannot compare herself against an ST candidate.

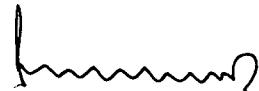
3 We have heard the learned counsel for the parties and have gone through the records thoroughly. We have also gone through the list of Overall merit position of the candidates appeared in the examination and interview as submitted by the Sr.counsel for the respondents. It is seen from the aforesaid merit list that the applicant has not been selected to the post of Teacher Gr.IV Mathematics/EM against OBC quota only for the reason that

she got lesser marks than the other two candidates who have been selected for the post. Moreover, she being an OBC candidate, cannot compare herself with Smt. Sumi Mary Mathew who belongs to ST category.

4. In the above facts and circumstances of the case, we find that this OA is devoid of any merit and it is accordingly dismissed. No costs.


(K.NOORJEHAN)

ADMINISTRATIVE MEMBER


(GEORGE PARACKEN)

JUDICIAL MEMBER

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