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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA.1507/94

decided on : 15-12-94

Between

Sk. Khaja Hussain : Applicant

and

1. Divl. Railway Manager(Pers)
SC Rly., Vijayawada

2. Sr.Divl. Optg. Manager
SC Rly., Vijayawada : Respondents

Counsel : R.V. Subba Rao,

Counsel for the respondents : J.R. Gopal Rao
SC for Railways

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. R. RANGARAJAN, MEMBER (ADMN)

I AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,
VICE-CHAIRMAN I

J U D G E M E N T

Heard Shri G.V. Subba Rao, learned counsel for the applicant and also Shri J.R. Gopal Rao, learned standing counsel for the Respondents.

2. This OA was filed praying for declaration that the entire examination proceedings conducted in this year for selection of the Asst. Guards is arbitrary, illegal and unconstitutional and violative of the articles 14 & 16 of the Constitution of India as the paper set was ~~on the~~ contrary to the syllabus published and for consequential direction to the Respondents to conduct a fresh selection by duly notifying the syllabus to the candidates in advance so that they will be able to answer the questions in accordance with the syllabus.

^{clerk}
82 were selected for selection for the posts of Asst. Guards. Under the syllabus referred to in the proforma application, it is stated as under:-

"The written test will be conducted to assess the ability to read and write some of the documents like parcel way bills and summary of parcels etc."

78 out of the 82 candidates appeared for the written test which was held on 18-9-94. Out of them only 4 ^{were} qualified in the written test. On the basis of notional seniority, 8 more were declared eligible for viva-voce test, and the ~~xx~~ names of the above 12 were referred to in the list, ~~published~~ published on 2-12-94. The names of these 4 applicants were not in the above list. The viva-voce

test was conducted on 2-12-94. Feeling aggrieved this OA was filed on 9-12-94 for the relief claimed as referred to.

4. It is stated in para 7 of the OA that some of the questions which were asked for in the above written test are as under:

1. Duties of Asst. Guard
2. Protection of train in case of accidents
3. Alarm Chain pulling
4. Fog signals - detonators
5. Addition.
6. Multiplication
7. The problem on simple interest
8. Code of Station Names and expansion of codes
9. Invoice.

It is thus argued that the question paper

set is beyond the syllabus as referred to in the proforma application.

5. It is further pleaded that the candidates who got through in the written examination had the regard to advance information in the questions.

6. It may be noted that when written test was conducted on 18-9-94, this OA was filed on 9-12-94 even after the viva-voce was conducted to all the successful candidates. If in fact, the applicants were aggrieved on the ground that the question paper set is on the contrary to the syllabus, it is not explained as to why they have not chosen to approach this Tribunal shortly after the written test was conducted. The pleading that the successful candidates got advance information in regard to the questions

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is vague. Hence no credence can be given to the same. There is nothing to indicate that the question paper was set in that manner to favour any or to cause prejudice to other candidates.

7. Further there were 34 vacancies. Only 12 were found eligible for selection. As such, the remaining ~~22~~ ¹² vacancies are still available for these applicants and other eligible candidates.

Hence in these circumstances, we feel that this OA has to be dismissed on the ground of laches.

As such, it is not necessary to consider for disposal of this OA as to whether in fact the question paper that was set is not in accordance with the syllabus as referred to in the proforma annexure.

8. In the result, this OA is dismissed at the admission stage itself. No costs.

(R. RANGARAJAN)
Member (Admn.)

(V. NEELADRI RAO)
VICE-CHAIRMAN

Dated the 15th December, 1994
Open court dictation

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Deputy Registrar(J)CC

To

1. The Divisional Railway Manager(Pers)
S.C.Railway, Vijayawada.
2. The Sr.Divisional Operating Manager,
S.C.Railway, Vijayawada.
3. One copy to Mr.G.V.Subba Rao, Advocate, CAT.Hyd.
4. One copy to Mr.J.R.Gopal Rao, SC for Rlys. CAT.Hyd.
5. One copy to Mr.J.R.Gopal Rao, SC for Rlys. CAT.Hyd.
6. One spare copy.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR.R.RANGARAJAN : M(ADMIN)

DATED: 15-12-1994

M.A./R.A/C.A.No.

in

O.A.No. 1507/94

(w.p.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed for default.

Ordered/Rejected

No order as to costs.

No Spare copy

22/12/94

PVM

