

(18)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.1531/95

dt. 26-2-97

Between

Shymala Ravi Kumar Pandu : Applicant

and

1. Chairman
Railway Recruitment Board
SC Rly, Secunderabad

2. Member Secretary
Railway Recruitment Board
SCRly., Secunderabad : Respondents

Counsel for the applicant : C. Nageswara Rao
Advocate

Counsel for the respondents : K. Siva Reddy
SC for Railways

CORAM

HON. Mr. Justice M.G. Chaudhari, Vice Chairman

Hon. Mr. H. Rajendra Prasad, Member (Admn.)

Judgement

Oral order (per Hon. Mr. Justice M.G. Chaudhari, VC)

Mr. C. Nageswara Rao for the applicant. Mr. K. Siva Reddy for the respondents.

1. This is an unfortunate case where the applicant believes that since he has scored 145 out of 165 marks in the written test and was not eventually called for interview for selection to the post of Senior Clerk advertised by the Railway Recruitment Board, Secunderabad, vide employment notice No.2/95 issued on 6-8-1995. It is seen from the counter that the essential qualification prescribed for the post is graduate from a recognised university and typewriting proficiency of 30 wpm (English) or 25 wpm (in Hindi) and the candidate has also cleared the written examination. Although the applicant fulfilled the other qualifications he did not qualify in the typewriting speed test and was therefore not called for the interview. It is stated in the counter that the applicant attended typewriting test on 25-11-1996 but did not qualify as he did not pass the minimum speed of 30 wpm (English). As he did not qualify for the interview no question of his being even panelled for the appointment of Senior Clerk could arise.

2. The contention of the applicant is that he deserved to be appointed and he was not sure whether he was not deliberately failed at the typewriting test so as to favour selected candidate Anju Anjali Toppe who had scored less marks than him in the written examination and who he believes is related to the Secretary of the Railway

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Recruitment Board. These are wild allegations unsupported and made without any foundation. Such tendency has to be deprecated. Afterall the process of selection was carried out by Railway Recruitment Board and it cannot be faulted so lightly by such type of wild allegations. Moreover, scoring of more marks in written test than the said candidate is no answer to the failure of the applicant to acquire typewriting proficiency which is a requisite condition even if scoring of less marks by candidate No.3 in written exam were to be there.

3. Another contention of the applicant is that he belongs to Koya community which is Scheduled Tribe community whereas the candidate No.3 Ms. Anju Anjali Toppe belongs to advanced Koya community. We fail to understand how when both of them belong to Koya community the contention can have any relevance. The respondents have explained that under the prevalent instructions no differentiation is made among the sub-community of ST Community nor preference is given on that basis and candidates belong to SC and ST communities are treated equally amongst each community. The list of selected candidates at Annexure-A.2 which consists of 9 names shows that two of them belong to SC community and 7 to ST Community. We do not see how any illegality can be spelt out to have been committed by the respondents if the applicant could not be selected on merits simply because he belongs to ST community. It is also argued by the learned counsel for the applicant that since the names of selected candidates No.3 and 4 show that they bear the same surname "Toppe" and both are shown as ST,



they appear to be sisters and they seem to have been favoured at the cost of the applicant. This argument needs to be stated merely to be rejected. It may be mentioned that the counter also makes it clear that the required qualifying typewriting speed of 30 wpm (English) or 25 wpm (Hindi) as a prerequisite to be called for interview had been notified in the Employment news in No.2/95 against category No.8 i.e. of Senior clerk. We cannot travel beyond the result of the typewriting speed test as the Railway Recruitment Board must be presumed to have acted honestly and fairly and since the applicant did not qualify thereat we find it difficult to grant him the relief on merits.

4. We feel that the unsubstantiated allegations made and contentions raised by the applicant seem to have been prompted more by a desire to secure relief rather than by any other consideration. We can only say that since the applicant can expect to ^{do} fair well at written examination in future if there is any employment notice issued and would be eligible to apply if he improves his performance in typewriting he may deserve consideration alongwith others. We hope that the filing of this application will not be taken as adverse circumstance against him by the respondents.

5. In the result, the OA is dismissed.

H. Rajendra Prasad
H. Rajendra Prasad
Member (Admn.)

M.G. Chaudhary
M.G. Chaudhary
Vice Chairman

Dated : February 26, 97
Dictated in Open Court

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AM/66
Deputy Registrar (W) CC
6-1-97

O.A.1531/95.

To

1. The Chairman, Railway Recruitment Board,
SC Rly, Secunderabad.
2. The Member Secretary,
Railway Recruitment Board,
SC Rly, Secunderabad.
3. One copy to Mr.C.Nageswara Rao, Advocate, CAT.Hyd.
4. One copy to Mr.K.Siva Reddy, SC for Rlys, CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One copy to D.R.(A) CAT.Hyd.
7. One spare copy.

P.M.

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22/3/97

I COURT

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD
MEMBER(ADMN)

Dated: 26 - 2 - 1997

~~ORDER~~ JUDGMENT

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

in
D.A.No. 1531/95

T.A.No. (W.P.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm.

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal
DESPATCH

18 MAR 1997

हैदराबाद आयोगी
HYDERABAD BENCH