

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR

This, the 20th day of November, 2006

ORIGINAL APPLICATION No. 16/2005


CORAM:

HON'BLE MR. M.L.CHAUHAN, MEMBER (JUDICIAL)
HON'BLE MR. J.P.SHUKLA, MEMBER (ADMINISTRATIVE)

1. Raj Kishor Verma
s/o Shri Ram Swaroop,
Khallasi/P.P.Railway Station Ajmer
and r/o C-2, Mall Road,
Railway Colony,
Ajmer.
2. Jagdish Prasad Jatav
s/o Hari Ram,
Pointsman,
Railway Station, Ajmer
and r/o T.11 B/A,
Infront of Gandhi Bhawan,
Ajmer.
3. Ramesh Chand Kashyap
s/o Ganga Bishan,
Pointsman,
Railway Station,
Ajmer and r/o 799/2,
Mahadev Colony, Bari Nagphani,
Boraj Road, Ajmer.

.. Applicants

(By Advocate: Mr.N.K.Gautam)



Versus

1. Union of India
through the General Manager,
North Western Railway,
Jaipur.
2. The Divisional Railway Manager,
North Western Railway,
Ajmer.

.. Respondents

(By Advocate: Mr. V.S.Gurjar)

O R D E R (ORAL)

The applicant has filed this OA thereby praying for the following reliefs:-

- i) direct the respondents to get the answer books of the applicants revalued by some impartial official.
- ii) direct the respondents to revalue the answer books of the applicants with uniform standard of marking.
- iii) direct the respondents to re-declare the result of applicants after revaluation and further consequential action in favour of applicants.
- iv) direct the respondents to limit the No. of successful reserve candidates, as allotted to them.
- v) cost of the application may be awarded to the applicants.
- vi) Any other relief, the Hon'ble Tribunal consider just and reasonable in the facts and circumstances of the case.

2. Briefly stated facts of the case are that the respondents issued two notifications for filling the post of Commercial Clerk/Ticket Collector/Trains Clerk. One notification is dated 26.9.2003 (Ann.A2) for selection of 20 posts against ranker quota i.e. 33

1/3% and another notification is dated 23.9.2003 for selection to the aforesaid posts against 16 2/3% promotional quota. Against notification dated 26.9.2003 all the applicant appeared in the selection test but their names did not figure in the panel dated 10.12.2004 (Ann.A5). Against notification dated 23.9.2003 against promotional quota, only applicant No.1 was eligible to appear as he fulfils the requisite qualification, however, he was not selected. Case of applicant No.2 was not considered because he did not fulfill the educational qualification whereas applicant No.3 who possess the educational qualification but he did not apply. Accordingly, panel of selected candidates was issued on 2.8.2004 (Ann.A4) in which name of applicant No.1 did not figure. In sum and substance, the case of the applicants is that earlier they have qualified the aforesaid test on two occasions, as such, the applicants could not have been declared fail in the selection conducted vide the aforesaid notification and it is based on these facts that the applicants have prayed that direction may be given to the respondents to get their answer books revaluated from some impartial official.

3. Notice of this application was given to the respondents. The respondents have filed reply whereby the aforesaid facts have not been denied. However, the respondents have stated that the selection is made by

the Selection Committee in free and fair manner and in terms of instructions of the Railway Board. Since the applicants had failed, as such, they were not empanelled.

4. We have heard the learned counsel for the parties and gone through the material placed on record.

5. We are of the view that the applicants are not entitled to any relief. Admittedly, there is no provision under the rules or regulations regarding revaluation of papers, as such, it is not permissible for this Tribunal to issue writ of mandamus/to give direction to the respondents to conduct revaluation of the answer books of the applicants. The matter on this point is no longer res-integra. The Three Judge Bench of the Apex Court in the case of Pramod Kumar Srivastava vs. Chairman, Bihar Public Service Commission, Patna and others, 2004 (5) SLR 457 has held that the High Court was not competent to direct the Public Service Commission to re-evaluate the answer books in the absence of any rule or provision regarding re-evaluation of papers. It was observed that adopting such a course will give rise to a practical problem as many candidates may like to take chance for re-evaluation of their answer books.

6. Viewing the matter from the law laid down by the Apex Court and the facts that the applicants have

failed to show any provision in the rules or regulations regarding revaluation of answer books, we are of the view that the present application is bereft of merit and the same is accordingly dismissed with no order as to costs.


(J.P. SHUKLA)

Administrative Member


(M.L. CHAUHAN)

Judicial Member

R/