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CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./R.X. No. 133 of 1998.

DATE OF DECISION ..26-2-01..

Sri Krishna mazumdar & another.

PETITIONER(S)

Sri U.K.Nair.

ADVOCATE FOR THE
PETITIONER(S)

VERSUS -

Union of India & Ors.

RESPONDENT(S)

Sri J.L.Sarkar, Railway standing counsel.

ADVOCATE FOR THE
RESPONDENTS

THE HON'BLE MR JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN.

THE HON'BLE MR K.K.SHARMA, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Administrative Member

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.133 of 1998.

Date of Order : This the 26th Day of February, 2001

The Hon'ble Mr Justice D.N.Chowdhury, Vice-Chairman.

The Hon'ble Mr K.K.Sharma, Administrative Member.

1. Sri Krishna Mazumdar,
S/o Tirtheswar Mazumdar,
Asstt.O.NO.13,
Gauhati University Campus,
Guwahati-14.

2. Sri Pradyut Mazumdar,
S/O Pulin Behari Mazumdar,
P.O. Panikhaiti,
Dist. Kamrup (Assam)

. . . Applicants.

By Advocate Sri U.K.Nair.

- Versus -

1. Union of India,
represented by General Manager,
N.F.Railway, Maligaon,
Guwahati.

2. The Chairman,
Railway Recruitment Board,
Station Road,
Guwahati-1.

3. The General Manager(P),
N.F.Railway, Maligaon,
Guwahati-11

4. Roll No. 12120588 (Traffic Apprentice)
C/O Chairman, Railway Recruitment Board,
Guwahati-1.

5. Roll No.12120806 (Traffic Apprentice)
C/O Chairman, Railway Recruitment Board,
Guwahati-1.

. . . Respondents.

By Advocate Sri J.L.Sarkar, Railway standing counsel.

O R D E R

K.K.SHARMA, ADMN.MEMBER.

In this application under Section 19 of the Administrative Tribunals Act 1985, the applicants have challenged the corrigendum dated 27.3.98 issued by the Railway Recruitment Board, Guwahati in respect of final result for the post of Traffic Apprentice published on 26.3.98. As per the final


result published on 26.3.98 the two applicants having Roll Nos. 12120685 and 12121001 were declared as successful in the Scheduled Caste category. However, in the corrigendum dated 26.3.98 issued the Railway Recruitment Board, Guwahati the result declaring them as successful candidates on 26.3.98 was declared as wrong and two candidates belonging Roll Nos. 12120588 and 12120806 were declared as successful. They claim that the action of the respondents is mala fide, arbitrary and discriminatory. The applicants were duly selected after a written test and viva voce in the reserved category, whereas the respondents No.4 and 5 bearing Roll Nos. 12120588 and 12120806 who are in unreserved category were unsuccessful in the examination. It is claimed that the respondents cannot replace the name of successful candidates from the list in the manner they have done. The action is violative of principles of natural justice. The applicants have suffered mentally and psychologically by the said impugned corrigendum. They claim that the action of the respondents is made on extraneous consideration. The applicants finding no response to the representations made by them moved this Tribunal by filing O.A.77/98. The Tribunal by its order dated 29.4.98 directed the applicants to file representation before the respondents. The applicants made representation which had been disposed of by the respondents on 18.5.98. The applicants were informed that due to oversight the roll numbers of the applicants were wrongly included in the list of successful candidates issued on 26.3.98.

2. The respondents have filed their written statement. It is stated in the written statement that candidates bearing Roll Nos. 12120588 and 12120806 belonged to the Scheduled Caste community but they were wrongly shown in the result

sheet as unreserved through mistake. The applicants are also SC candidates. After the viva voce the total performance of the candidates with Roll Nos. 12120588 and 12120806 was better than the performance of the applicants but due to the mistake their Roll numbers were not in the select list though they deserve to be in the list of applicants in SC category. It is also stated that the representations of the applicants had been disposed of as per the direction of the Tribunal.

3. We have heard Mr U.K.Nair, learned counsel for the applicants and also Mr J.L.Sarkar, learned Railway standing counsel at length. The record was also produced before us on behalf of the respondents. The records produced before us shows that the other two candidates who have been declared as successful in the corrigendum dated 27.3.98 also belong^{ing} to the reserved category. They had secured better marks than the applicants. If they were erroneously considered as unreserved candidates in the result declared on 26.3.98, the respondents were justified in correcting the mistake. The action of the respondents in correcting the result cannot be considered as mala fide as the two candidates who were ignored in the result declared earlier had secured better marks than the applicants. The corrigendum was issued by the respondents for justified reasons and the same cannot be faulted.

The application is accordingly dismissed. There shall, however, be no order as to costs.


(K.K.SHARMA)
ADMINISTRATIVE MEMBER


(D.N.CHOWDHURY)
VICE CHAIRMAN