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4
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 226/2005

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SECTION OFFICER (Judl.)

Shah
06/11/17

FORM NO. 4.
(SEE RULE 42)

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.**

ORDER SHEET

Original Application No. 226 /05-

Contempt Petition No. _____

Review Application No. /

Applicant(s): Bishnu Das & others - - - - -

Respondant(s): U-O-Q-G - Items (Rev.)

Advocate for the Respondant(s) :-

Notes of the Registry	Date	Order of the Tribunal
	31.8.2005	Present : Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman.
This application is in form is filed/C. F. I. R. No. 150/- deposited via P.C.I.D No. 206/157-178.		Heard Mr. M.D. Choudhury, learned Sr. Advocate for the applicants and Mr. J.L. Sarkar, learned Standing Counsel for the Railways.
Dated 26.8.05		Issue notice to show cause as to why the application shall not be admitted.
<i>Normal 10/10</i> Dy. Registrar <i>PP</i>		Post on 29.9.2005. The Standing Counsel will get the paper advertise- ment of group 'D8 posts and place before this Tribunal at the next posting.
<i>Slips taken right envelope</i>		<i>G. Sivarajan</i> Vice-Chairman
<i>Pari</i>		
Pl. conveyal order dated 31.8.05	mb	

Notice & order sent
to D/section for
issuing to resp. No
1, by regd. A/D post
and others two (273).
resp. received by Hand
12/19. D/No-1381 to 1383
D/ 15/9/05.

26.9.05

①) Submitted
by the Respondents

29.9.05

Post on 5.10.2005
for Admission.

By order

05.10.2005

Counsel for the applicant is absent. Mr. J.L. Sarkar, learned standing counsel for the Railways submits that he is ready for hearing. However, post on 07.11.2005.

28.9.05

Notice duly served
on Respondents

Pravin
Member

G.J.A.
Vice-Chairman

7.11.2005

Counsel for the applicant is absent. Mr. J.L. Sarkar, learned standing counsel for the Railways ~~submits~~ is present. Post on 16.11.2005.

4-10-05

①) W/Ls has been
billed.

mb

16.11.05.

Post the matter before the next available Division Bench.

G.J.A.
Vice-Chairman

W/Ls has been billed

lm

3-11-05

W/Ls has been billed

nkm

Member

Vice-Chairman

3-11-05

W/Ls has been billed

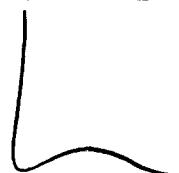
7.3.2006 On the request made by learned counsel for the applicant let the case be posted on 9.3.2006. for hearing.


Vice-Chairman (J)

bb


Vice-Chairman (A)

09.03.2006 Heard learned counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets. The application is dismissed. No order as to costs.


Vice-Chairman (J)

mb


Vice-Chairman (A)

8.2.8.3.06

Copy of the Judg
has been sent to the
Office for issuing
the same to the applic
as well as to the
Rly. Standing counsel
by the Regtgs. and also
to the Rly Recruitment
Board, Rangoon.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

226 of 2005

O.A. No.

09.03.2006

DATE OF DECISION

Sri Bishnu Das & Another

..... Applicant/s

Mrs. M.D. Choudhury, Sr. Advocate, Mr. S. Roy & Brig. N. Deka
..... Advocate for the
applicant/s.

- Versus -

Union of India & Ors.

..... Respondent/s

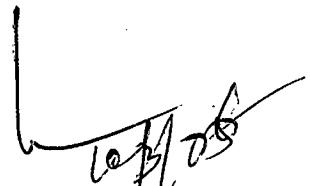
Dr. J.L. Sarkar, Rly. Standing Counsel

..... Advocate for the
respondents

CORAM

THE HON'BLE SHRI B.N. SOM, VICE CHAIRMAN (A)
THE HON'BLE SHRI K.V. SACHIDANANDAN, VICE CHAIRMAN (J)

1. Whether reporters of local newspapers may be allowed to see the Judgment ?	Yes/No
2. Whether to be referred to the Reporter or not ?	Yes/No
3. Whether to be forwarded for including in the Digest Being complied at Jodhpur Bench ?	Yes/No
4. Whether their Lordships wish to see the fair copy of the Judgment ?	Yes/No


Vice-Chairman (J)

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 226 of 2005.

Date of Order : This the 09th day of March 2006.

The Hon'ble Sri B.N. Som, Vice-Chairman (A);
The Hon'ble Sri K.V. Sachidanandan, Vice-Chairman (J)

1. Sri Bishnu Das
Son of Sri Jagdish Ch. Das,
Quarter No. 667/B
DTS Hill Colony, P.O. Lumding
Dist. Nagaon, Assam.
2. Sri Manoj Das
Son of Sri Jagdish Ch. Das,
Quarter No. 667/B
DTS Hill Colony, P.O. Lumding
Dist. Nagaon, Assam.

... Applicants

By Mrs. M. Dutta Choudhury, Sr. Advocate, Mr. S. Roy and Brig. N. Deka, Advocates

- Versus -

1. Union of India
Represented by the General Manager,
N.F. Railway, Maligaon, Guwahati.
2. Chairman, Railway Recruitment Board,
Station Road, Guwahati.
3. Railway Recruitment Board,
Station Road, Guwahati.

... Respondents

By Advocate Dr. J.L. Sarkar, Railway Standing Counsel.

ORDER (ORAL)

K.V. SACHIDANANDAN, (V.C.)

There are two applicants, who are aspirants for the post of Group 'D' in the Railway, in response to an advertisement



applied for the post. But, their selection has been cancelled on the ground that they were under aged. Being aggrieved, the applicants have filed this application seeking the following relief: -

“8.1 The impugned letter dated 18/7/05 as well as 20/7/05 issued by the Assistant Secretary RRB shall be stayed with a direction to the respondents to allow the applicants to go through medical and other test as required for appointment.

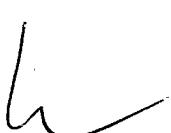
8.2 That the Respondents may be directed to recall the letters dated 18/7/05 and 20/7/05 regarding withdrawal of the applicant's names from the empanelment.

8.3 That the Respondents may be directed to appoint the applicants by condoning the under age of the applicants on 01/7/2003, as now they have already attained the required age for appointment in the Group D posts of Trackman/Khalasi/Helper II after completion of all the tests.

8.4 Cost of the application.”

2. When the matter came up for hearing learned counsel for the applicants submits that since there are two applicants and issue involved is also identical, the applicants may be permitted to agitate jointly in a single application. Considering the said submission, we are of the view that since the issue involved is same, we adjudicate the issue in a single application by consent.

3. The case of the applicants is that after making application vide annexures - C1 and C2, the applicants were called for documents verification and also physical efficiency test and after the passing the same, the Railway Recruitment Board passed annexure - D result for the post of Trackman (Group D).



Subsequently, vide annexures - E1 & E2, the applicants have been informed that their selection could not be considered by the respondents because they were under aged.

4. The respondents have filed a very brief written statement contending that both the applicants were under aged, i.e. below 18 years of age on the cut off date, i.e. 01.07.2003 and as such, the applicants were not eligible for appointment and they have been informed accordingly. The respondents further contended that the employment notice clearly stated the lower age limit was 18 years of age. Therefore, there is no scope of relaxation of lower age. The respondents further stated that the applicant knowing well that they were under aged, had submitted the applications, therefore, they are not entitled to have legitimate expectation. Therefore, their case cannot be considered to grant the reliefs.

5. Heard Mrs. M. Dutta Choudhury, learned Sr. counsel for the applicants and Dr. J.L. Sarkar, learned standing counsel for the Railways. Counsel for the parties taken pleadings and placed materials on record.

6. Counsel for the applicants admitted that at the time of submission of the applications the applicants were under aged, but the applicants were called for physical efficiency test and documents verification and the applicants were also successful in the test. It is too harsh to say that their selection has been



cancelled on the ground of under age. This fact should have been verified before the test.

7. Senior Standing counsel for the railways submits that thousand of applications have been received by the Railway Recruitment Board and probably a mistake has been committed by them in the scrutinisation of the applications. Therefore, the applicants were called for test and when the mistake was found, letter was issued correcting the same. Since they are not eligible in terms of the advertisement, they cannot be considered.

8. The short question for consideration as to whether the applicants are eligible for employment in an Institution like Railway or other Government service and whether employment can be given despite the fact that they are under aged. The admitted case for both the parties is that the applicants are under aged (less than 18 years) at the time of submission of the applications. Now, the minimum age has been stipulated in the notification for employment on the basis of the maturity. Concept, which is included in the CCA and Railway Recruitment Rules. Though in the upper ~~age~~ limit in reservation categories relaxation is permitted, under no circumstances minimum age relaxation is contemplated. This proposition is accepted in all the employments of the Government/Railways. Counsel for the parties agreed to this proposition that this is a policy matter of fixation of age taken by the government based on public policy and Court or Tribunal are not to interfere to such policy matter.



9. In a case reported in 1997 (2) SCC 253, Hari Shamrao Nimie and others Vs. Union of India and others, the Hon'ble Supreme Court held that Courts cannot interfere in policy matters. In this case the process of selection is only at the stage of publication of the result and further steps are to be completed before appointment order is issued. In the circumstances the applicants cannot have a legitimate legal right for appointment.

10. In State of M.P. and others Vs. Raghbir Singh Yadav and others, (1994) 6 SCC 151, the Hon'ble Supreme Court held that "the inclusion in the merit list does not confer any right to be appointed."

11. In the circumstances, this Court is of the considered view that wider issue of policy decision, public policy, relaxation, cut off date of age etc. are involved in the case, which are in the domain of the Authorities and policy of the Government and not the Courts. It is true that the mistake had dragged the applicants to this extent giving expectations and denial of the same resulted in frustration among the youths/applicants. We have great sympathy but the applicants have no legal right for claiming the said relief. Contention of the counsel for the applicants is that the applicants may be considered for next selection is also far fetched and not based on any legal footing. However, we are sorry to say that Railway Recruitment Board constituted for the selection purpose only was callous and negligent in processing the selection, and their mistake had led the youths to frustration and dismay. We



reserve our comments. Such a mistake should not have happened. Hope the Board will take extra care and caution not to commit such mistake in future. The Registry is directed to send a copy of this order to the Chairman, Railway Recruitment Board, Guwahati for their self improvement.

12. In the conspectus of facts and circumstances of the case, such appointment cannot be given to candidates before attaining the age of 18 years as per rules and based on public policies and maturity concept, we are of the view that the relief claimed cannot be granted to the applicants and the O.A. deserves to be dismissed and accordingly we do so. In the circumstances no order as to costs.



(K.V. SACHIDANANDAN)
VICE-CHAIRMAN (J)



(B. N. SOM)
VICE-CHAIRMAN (A)

mb

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH AT GUWAHATI

Filed by
Bishnu Das
Manoj Das
Through
Mrs. M.D. Choudhury
Advocate ~
29.8.05

(AN APPLICATION UNDER SECTION 19 OF THE
CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO. 226 OF 2005

B E T W E E N

1. Shri Bishnu Das
2. Shri Manoj Das

.....Applicants.

-VS-

1. Union of India & Ors.

.....Respondents.

LIST OF DATES & SYNOPSIS

ANNEXURE-A1 & A2 : Admit card for written test of
5/12/2004.

ANNEXURE-B1 & B2 : Call letters for physical
efficiency test on 16/6/2005.

ANNEXURE-C1 & C2 : Call letters for document
verification on 17/6/2005.

ANNEXURE-D : Roll numbers of successful
candidates published in the
local newspaper on 13/7/2005.

ANNEXURE-E1 & E2 : Cancellation of empanelment of their names from list of successful candidates on 18/7/2005 and 20/7/2005.

ANNEXURE-F1 & F2 : Admit cards of HSLC Examination giving their dates of birth.

ANNEXURE-G1 & G2 : Caste Certificate.

SYNOPSIS

1. The applicants are two brothers from a S C family, a Community, considered as down trodden section of the society.

2. Applicants had applied for the Group D posts of trackman/khalasi/helper Grade-II against an advertisement of the Railway Recruitment Board, Guwahati, in 2003.

3. Accordingly the applicants were issued with call letters cum admit card for the written examinations held on 05/12/2004 at Lumding. Part of the said call letters were subsequently retained by the Conducting Authorities.

4. Based on their favourable performance in the written test, the applicants were called for physical efficiency test on 16/6/2005 at Maligaon Railway Stadium, Guwahati.

5. On their success in the physical efficiency test, the applicants were called for verification of original certificates and testimonials etc. on 17/6/2005.

6. On being found suitable in all the above tests/events, the applicants Roll Numbers were included in the list of successful candidates as published in the newspaper on 13/7/05.

7. However, subsequently the Railway Board has rejected their candidature and withdrawn their names from empanelment on the plea that the applicants were below 18 years of age on 01/07/2003, thus not fulfilling a condition, laid down in their Employment notice.

8. Now as on date, the applicants are above the age of 18 years and there is no statutory restriction on their employment in the Govt. Service. The Railway Recruitment Board had four opportunities to check on their eligibility before the impugned cancellation as the date of birth was recorded in their initial application form itself. At every stage, i.e. prior to calling them for the Written Test, Physical Efficiency Test, Document Verification and publication of the results in the newspaper, they had the opportunity to reject their candidature, but they did not do so thus it not only amounted to their condonation of their being underage, but also increased in the level of expectancy of the applicants, due to their successive receipt of call letters progressively.

9. Further attendance in various tests resulted in heavy expenditures on the poor applicants, due to the negligence and fault of the Railway Recruitment Board, who ought to have rejected their candidature otherwise. The applicants are from the poorer section of the society and need to be looked upon with sympathy for economic development as per constitutional provisions and as such they need to be compensated by the Railway Recruitment Board for the same.

10. Hence the applicants pray for an exception as a compensation and relaxation of the minimum age restriction, so imposed on them, (like the overage criterion in their case being a SC candidate) and permit their envelopment of selection to continue by recalling/canceling their letters of 18/7/05 and 20/7/05. Article 46 of the Constitution also gives them liberal protection for their upliftment of economic condition.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

GUWAHATI BENCH AT GUWAHATI

(AN APPLICATION UNDER SECTION 19 OF THE
CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO. 226 OF 2005

B E T W E E N

1. Sri Bishnu Das

2. Sri Manoj Das

Son of Sri Jagdish Ch. Das.

Quarter No. 667/B

DTS Hill Colony, P.O. Lumding.

Dist. Nagaon, Assam.

... Applicants.

-VERSUS-

1. Union of India

Represented by the General Manager,
N.F.Rly, Maligaon, Guwahati.

2. Chairman, Railway Recruitment

Board, Station Road, Guwahati.

3. Railway Recruitment Board.

Station Road, Guwahati.

... Respondents.

Contd... p/

Bishnu Das.
Manoj Das

12

[2].

DETAILS OF THE APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

This application is made for continuation of empanelment in the list of successful candidates as published in the newspaper on 13/7/05 and cancellation of Railway Recruitment Board Guwahati letters No.RRB/G/41/90/pt II dated 18/7/05 and 20/7/05 addressed to the above applicants.

2. JURISDICTION OF THE TRIBUNAL

The applicants declare that the subject matter of the instant application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION

The applicants further declare that the application is within the limitation period prescribed under Section 21 of the Administration Tribunal Act 1985.

4. FACTS OF THE CASE

4.1 That the applicants are citizen of India and as such they are entitled to all the rights and privileges guaranteed under the Constitution of India. They come from a low income group Schedule caste family.

Contd... p/

*Bishen Das.
Manoj Das.*

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[3]

4.2 That the applicants are two brothers, who has applied to the Railway Recruitment Board (in short RRB) Guwahati for Group D posts of Trackman/Khalasi/Helper II, in response to an advertisement, when the father was away in North Cachar Hills. The minimum Academic qualification required was class VIII pass.

4.3 That in response to their application they received call letters to appear for written test at Lunday college, Lunday on 05-12-2004 under roll no . 24534346 and 24534511.

Annexures A1 & A2 are the photocopies of the part of the said call letter.

4.4 That on having passed the written test, the RRB called the applicants for physical Efficiency Test of 16/6/05, vide their letter No.RRB/G/41/10 letter No.RRB/G/41/10 dated 10/5/05.

Annexures B1 & B2 are photocopies of the said call letter.

4.5 That on being successful in physical Efficiency Test, the applicants were called for document verification by the Railway Recruitment Board vide their letter No.RRB/G/41/10 dated 16/6/05 Accordingly the applicants attended the same and their documents were checked and found in order.

Contd... p/

Bishnu Da.
Manoj Da.

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[4]

Annexures C1 & C2 are the copies of call letters for verification of documents.

4.6 That on completion of all the above tests and checks, the RRB published the Roll No of the successful candidates in the Assam Tribune Guwahati, dated 13 July 2005, wherein the Roll Nos of the applicants i.e. 24534346 and 24534511 are included in the list.

Annexure 'D' is the copy of the Result published in the newspaper.

4.7 That to the utter surprise of the applicants the RRB informed Sri Bishnu Das, Applicant No.1 vide their letter No.RRB/6/41/90/pt II dated 18/7/05 and Sri Manoj Das, the Applicant No2 vide their letter No.RRB/6/41/90/pt II dated 20/7/05 that their names will not be further empanelled as they did not attain the age of 18 years on 01/7/2003, their dates of birth being 26/11/1985 and 22/01/1987 respectively.

Annexures E1 & E2 are the copies of letters regarding cancellation of empanelment and Annexures F1 & F2 are the HSLC examination Admit Card giving their dates of birth.

4.8 That the Applicants belong to the Schedule caste community, a down trodden section of the Society. Hence

Contd...p/

Bishnu Das.
Manoj Das

[50]

they are needed to be encouraged and looked upon with extra considerations. Hence, they have been given a relaxation in upper age limit for the said employment, under the constitutional provision. As such in the similar manner, they should also be given some relaxation in the lower age limit, as exceptions, particularly after having declared them as successful candidates in the news paper.

Annexure G1 & G2 are the copies of caste certificate of the Applicants.

4.9 That your applicants beg to state that the rejection of the candidature of the applicants after making them go through all the tests, tend amounts not only to victimization, malafide and harassment, particularly when the facts were known to the RRB from the beginning, (the date of birth, being a part of their application form) but also are against the principles legitimate expectation and principle of natural justice particularly after making them appear in every test, step by step in gradual manner and caused them irreparable loss. Besides the respondents got enough opportunities to verify the ages of the applicants whenever they were called for different tests.

4.10 That the applicants beg to state that this is a fit case for interference by the Hon'ble Tribunal as the respondents have violated the principle of natural justice.

Contd...p/

Bishan Das.

Manoj Das.

4.11 That this application is filed bonafide for the ends of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

5.1 For that on the reason and facts which are narrated above the action of the Respondents is *priea facie* illegal and without jurisdiction at this stage.

5.2 For that the action of Respondents are malafide and illegal and with a motive behind.

5.3 For that the applicants have now crossed the age of 18 years and there by qualified to hold a Government job as per the statutory provision. They are also presently studying in BA & Higher Secondary Classes respectively. In view of the above, rejection of their candidature at this stage on the plea of being under age on 01/07/2003 does not hold any ground and is in gross violation of Article 14,19 & 21 of the Constitution, as their employment will only commence on their joining the service.

5.4 For that in the present days of unemployment that the applicants beg to submit, taking away a job from individuals who have earned it on their own performance and merit, because of a bureaucratic ruling, would be against the principle of natural justice. The man made rules are basically guidelines and are to be interpreted

Contd... p/

Bibhu Das
Manoj Das

humanely and in a pragmatic manner. When the individuals age on date of entry into the service is a mandatory legal requirement, then restriction on the age on 01-07-2003, at the time of application does not have any legal significance. Had the employment been provided on that day, then of course the applicants would have been underage for a Govt. employment on that day. Now after two years, when they have attained the eligible age, then that factor should not control their employment. Particularly after calling them for various tests progressively by the RRB, which has automatically increased their level of legitimate expectations.

5.5 For that under Article 46 of the constitution that the state is to promote with special care, the education and economic interest of the weaker sections and particularly of the Scheduled Caste and Scheduled Tribe and it is their duty to protect them from social injustice and all forms of exploitations.

5.6 For that great importance have been attached to the Directive Principles by 92nd Amendment to the constitution and in the Keshavananda Bharti's case and the Hon'ble Supreme Court has conceded liberal implementation of Article 46 vis-a-vis Article 15 & 16, particularly in respect of special provisions for Scheduled Caste/Scheduled Tribe.

5.7 For that the schedule caste community has been provided with constitutional provisions in terms of

Contd... p/

*Bishnu Das,
Manoj Das*

Q3

(8)

various relaxations for better job opportunity their upliftment and development as stated above and therefore the upper age limit for the present employment has also been extended in their case. In the same analogy it is submitted that for their better job opportunity, the lower age limit also be reduced as a relaxation, an exception in their case and therefore the rejection of their candidature by the Railway Recruitment Board, be cancelled.

6. DETAILS OF REMEDIES EXHAUSTED

That the chairman of the RRB was contacted in person as well as with representation withdraw/cancel the impugned letter, but no action has yet been taken till date. As such there is no other alternative and efficacious remedy available to the applicants except invoking the jurisdiction of this Hon'ble Tribunal.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT:

The applicants first approached the Hon'ble High Court with a writ petition which has been subsequently withdrawn by the applicants with liberty to approach appropriate forum. At present no application or suit is pending before any court.

Contd...p/

Bishnu Das,
Kamal Das.

8. RELIEF PRAYED FOR:

Under the facts and circumstances stated above, the applicants most respectfully pray that your Lordships may be pleased to admit this petition and call for records and after hearing both the parties the Hon'ble Tribunal may be pleased to direct the Respondents to give the following reliefs:

8.1 The impugned letter dated 18/7/05 as well as 20/7/05 issued by the Assistant Secretary RRB shall be stayed with a direction to the respondents to allow the applicants to go through medical and other test as required for appointment.

8.2 That the Respondents may be directed to recall the letters dated 18/7/05 and 20/7/05 regarding withdrawal of the applicant's names from the empanelment.

8.3 That the Respondents may be directed to appoint the applicants by condoning the under age of the applicants on 01/7/2003, as now they have already attained the required age for appointment in the Group D Posts of Trackman/Khalasi/ Helper II after completion of all the tests.

8.4 Cost of the Application.

Contd... p/

Bishnu Das
Manoj Das.

25

[10]

9. INTER ORDER PRAYED FOR.

Pending final decision of this application the applicants seek issuing of the following interim orders.

9.1 That the impugned letters dated 18/7/05 and 20/7/05 may be stayed directing the respondent to retain to vacant post of Group D till issuance of appointment letters in the applicants name.

9.2 That the Respondents may be further directed to allow the applicants to continue with the selection procedure of the applicants, like other empanelled candidates.

10. THIS APPLICATION IS FILED THROUGH ADVOCATE.

11. PARTICULARS OF I.P.O.

I.P.O. No.: 20G157178

Date of Issue: 27-8-05

Issued From : G.P.O Guwahati

Payable at : Guwahati

12. LIST OF ENCLOSURES:

As stated above.

Contd... p/

Rishnu Das,
Manoj Das.

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[11]

VERIFICATION

We Shri Bishnu Das and Manoj Das, sons of Sri Jagadish Chandra Das, resident of Gr. No.667 B, DTS Hill Colony, Lueding, District Nowgaon, Assam are the applicants of the instant application and as such we are acquainted with the facts and circumstances of the case and we do hereby verify the contents of paras to of accompanying application are true to our personal knowledge and Paras to being based on records believed to be true and rest are or humble submission before this Hon'ble Tribunal .

We sign this verification on this day of
August, 2005 at Guwahati

29th day of

1. Bishnu Das.

2. Manoj Das.

SIGNATURE OF THE APPLICANTS

Please tear-off along this line and retain for your record

RAILWAY RECRUITMENT BOARD, GUWAHATI - 781 001

Name of the Candidate & Address	Cal. No. & E.N. No.	Roll No.	Date of Examination
BISHNU DAS OTS HILL COLONY LUMDING NAGAON OR NO 667B NAGAON ASSAM PIN - 782447	1 of 1/2003	24534346	05 - 12 - 2004
परीक्षा केन्द्र / Examination Centre LUMDING COLLEGE LUMDING - 782447			

Please read and follow the "Instruction" Overleaf

NOTE: CANDIDATES WHO TICK MARK ANSWERS ON THE QUESTION BOOKLET WILL BE DISQUALIFIED.

FREE RAILWAY PASS

FOR SC/ST CANDIDATES ONLY. On production of this letter you are entitled to free travel by railway in second class only

from

LUMDING

Stn. to

LUMDING

Stn. and back

This pass is available upto

15/12/2004

(Authority: Railway Board's letter No. E (NG) II-84 / RSC / 122 dtd. 23-11-84)

राज्यक सचिव / Asstt. Secy.

राज्यक सचिव / Asstt. Secy

Certified True Copy

Encl.

Brij N Deka (RWA)
Advocate

tear off along this line and retain for your record

Name of the Candidate & Address

MANOJ DAS
DTS HILL COLONY LUMDING
QR NO 667 B
NAGAON
ASSAM

PIN - 782447

RAILWAY RECRUITMENT BOARD, GUWAHATI 781001

Catg No. & E.N. No	Roll No	Date of Examination
1 of 1/2003	24534511	05 - 12 - 2004
परीक्षा केन्द्र : Examination Centre		
LUMDING COLLEGE LUMDING - 782447		

Read and follow the "Instruction" Overleaf.

CANDIDATES WHO TICK MARK ANSWERS ON
QUESTION BOOKLET WILL BE DISQUALIFIED.

महाप्रभु रामेश / Asstt Secy.

RAILWAY PASS

RSC/ST CANDIDATES ONLY On production of this letter you are entitled to free travel by railway in second class only

LUMDING	Stn to	LUMDING	Stn and back
---------	--------	---------	--------------

Pass is available upto

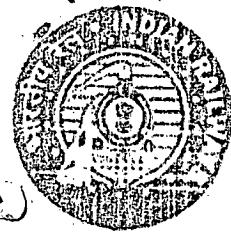
15/12/2004

Authority: Railway Board's letter No. E (NC) II-84 / RSC / 122 dtd 23-11-84

महाप्रभु रामेश / Asstt Secy

Certified True Copy

ms
Brij N Deka (Retd).
Advocate



— 14 —
RAILWAY RECRUITMENT BOARD – GUWAHATI
STATION ROAD, GUWAHATI-781 001

Anexure B,
29

CALL LETTER FOR PHYSICAL EFFICIENCY TEST

No. RRB/G/41/10.

Date: 10/05/2005

To,
BISHNU DAS
DTS HILL COLONY LUMDING
NAGAON QR NO 667B
NAGAON
NAGAON ASSAM Pin - 782447.

By REGISTERED POST

Roll No.: **24534346**

Sub.: Recruitment/Selection for the post of Group – D under
Category No.01 of Employment Notice No. 1/2003.

*** IMPORTANT ***

PASTE YOUR
RECENT SIGNED
PHOTOGRAPH
HERE

With reference to your application for the post mentioned above, in response to the Employment Notice cited, you are hereby advised to report at Maligaon Railway Stadium, on 16/06/2005 at 06:30 A.M. for Physical Efficiency Test.

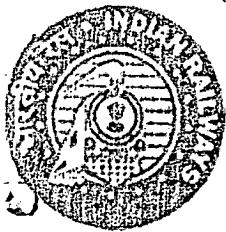
Criteria for Physical Efficiency Test:

Male Candidate: (i) Should be able to lift and carry 35 kg of weight for a distance of 100 meters in 2 minutes in one chance without putting the weight down, and (ii) Should be able to run for a distance of 1500 meters in 7 minutes in one chance.

Female Candidate: (i) Should be able to lift and carry 20 kg of weight for a distance of 100 meters in 2 minutes in one chance without putting the weight down, and (ii) Should be able to run for a distance of 400 meters in 4 minutes in one chance.

1. This Call Letter does not in itself entitle you for selection.
2. You are directed to bring your own sports kit (dress, shoes etc.) required for the Physical Efficiency Test.
3. Result of the Physical Efficiency Test will be declared on the same day and those who qualify in the Physical Efficiency Test will be required to report to office of the Railway Recruitment Board, Station Road, Guwahati -1, on the next day at 10:00 A.M. for Document Verification.
4. You should bring your original VIII Standard or above Certificate issued by the competent authority for verification of your date of birth, educational qualification etc. You should also bring all of your original certificates and marks-sheets of Matriculation and onwards issued by the respective Board/Council/University along with experience and other certificates, caste certificate, if any. If the originals of above certificates/marks-sheets have not been received from respective Board/Council/University, then provisional pass certificate and marks-sheets issued by the respective Board/Council/University should be produced.
5. You are also directed to bring the Attested Photostat copies of all original certificates and marks-sheets and other certificates along with the originals.
6. You may be subjected to re-examination during the process of verification of documents etc. and you should come prepared for the same.
7. Your attendance may be required for more than one day (i.e. date as mentioned above) and you should come prepared for that.
8. Request for postponement of the date mentioned above will not be considered and no further chance will be given.
9. If you are in service please bring "No Objection Certificate" from your employer, failing which you will not be considered for the post.
10. Approaching Chairman, RRB and/or his Secretary directly or indirectly by a candidate or anybody on his/her behalf requesting undue consideration for the recruitment will render a candidate liable for disqualification.
11. (For SC/ST candidates only)
On production of this letter you are entitled to travel free by the Railway in Second Class from LUMDING Station to GUWAHATI Station and back. This pass will be valid up to 26/06/2005.
(Authority: Railway Board's letter no. E(NG)I-84/RSC/122, dated 23/11/84).

Certified True Copy
Assistant Secretary
Attestant



RAILWAY RECRUITMENT BOARD - GUWAHATI
STATION ROAD, GUWAHATI-781 001

CALL LETTER FOR PHYSICAL EFFICIENCY TEST

No. RRB/G/41/10.

Date: 10/05/2005

To:

By REGISTERED POST

MANOJ DAS
DTS HILL COLONY LUMDING
QR NO 667 B
NAGAON
NAGAON ASSAM Pin - 782447.

Roll No.: **24534511**

Sub.: Recruitment/Selection for the post of Group - D under
Category No.01 of Employment Notice No. 1/2003.

* IMPORTANT *

PASTE YOUR
RECENT SIGNED
PHOTOGRAPH
HERE

With reference to your application for the post mentioned above, in response to the Employment Notice cited, you are hereby advised to report at Maligaon Railway Stadium, on 16/06/2005 at 06:30 A.M. for Physical Efficiency Test.

Criteria for Physical Efficiency Test:

Male Candidate: (i) Should be able to lift and carry 35 kg of weight for a distance of 100 meters in 2 minutes in one chance without putting the weight down, and (ii) Should be able to run for a distance of 1500 meters in 7 minutes in one chance.

Female Candidate: (i) Should be able to lift and carry 20 kg of weight for a distance of 100 meters in 2 minutes in one chance without putting the weight down, and (ii) Should be able to run for a distance of 400 meters in 4 minutes in one chance.

1. This Call Letter does not in itself entitle you for selection.
2. You are directed to bring your own sports kit (dress, shoes etc.) required for the Physical Efficiency Test.
3. Result of the Physical Efficiency Test will be declared on the same day and those who qualify in the Physical Efficiency Test will be required to report to office of the Railway Recruitment Board, Station Road, Guwahati -1, on the next day at 10:00 A.M. for Document Verification.
4. You should bring your original VIII Standard or above Certificate issued by the competent authority for verification of your date of birth, educational qualification etc. You should also bring all of your original certificates and marks-sheets of Matriculation and onwards issued by the respective Board/Council/University along with experience and other certificates, caste certificate, if any. If the originals of above certificates/marks-sheets have not been received from respective Board/Council/University, then provisional pass certificate and marks-sheets issued by the respective Board/Council/University should be produced.
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6. You may be subjected to re-examination during the process of verification of documents etc. and you should come prepared for the same.
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10. Approaching Chairman, RRB and/or his Secretary directly or indirectly by a candidate or anybody on his/her behalf requesting undue consideration for the recruitment will render a candidate liable for disqualification.
11. (For SC/ST candidates only)
On production of this letter you are entitled to travel free by the Railway in Second Class from LUMDING Station to GUWAHATI Station and back. This pass will be valid up to 26/06/2005.
(Authority: Railway Board's letter no. E(NG)II-84/RSC/122, dated 23/11/84)

Manoj Das

Certified True Copy
Date: 25/05/2005
By: **ASSISTANT SECRETARY**
RAILWAY RECRUITMENT BOARD, GUWAHATI
25/05/2005



RAILWAY RECRUITMENT BOARD – GUWAHATI
STATION ROAD; GUWAHATI-781 001

CALL LETTER for DOCUMENT VERIFICATION

No. RRB/G/4/10.

Date: 16/06/2005

To,

BISHNU DAS

DTS HILL COLONY LUMDING
NAGAON QR NO 667B
NAGAON
NAGAON ASSAM Pin - 782447.

Roll No.: **24534346**



Sub.: **Recruitment/Selection for the post of Group – D
under Category No.01 of Employment Notice No. 1/2003.**

As you have qualified in the Physical Efficiency Test, you are hereby advised to attend the office of Railway Recruitment Board, Station Road, Guwahati-781001, Assam, on 17/06/2005 at 10:00 A.M. for verification of original certificates, testimonials etc.

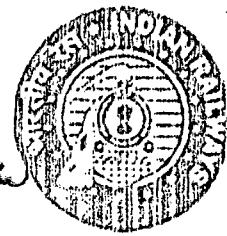
1. This Call Letter does not in itself entitle you for selection.
2. You should bring your original VIII Standard or above Certificate issued by the competent authority for verification of your date of birth, educational qualification etc. You should also bring all of your original certificates, and marks-sheets of Matriculation and onwards issued by the respective Board/Council/University along with experience and other certificates, caste certificate, if any. If the originals of above certificates/marks-sheets have not been received from respective Board/Council/University, then provisional pass certificate and marks-sheets issued by the respective Board/Council/University should be produced.
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9. (For SC/ST candidates only)

On production of this letter you are entitled to travel free by the Railway in Second Class from LUMDING Station to GUWAHATI Station and back. This pass will be valid up to 26/06/2005.
(Authority: Railway Board's letter no. E(NG)II-84/RSC/122, dated 23/11/84).

Certified True Copy
ASSISTANT SECRETARY
For CHAIRMAN, RRB - GUWAHATI

Advocate



- 17 - *Amritika - C2*
RAILWAY RECRUITMENT BOARD - GUWAHATI
STATION ROAD; GUWAHATI-781 001

32
C2

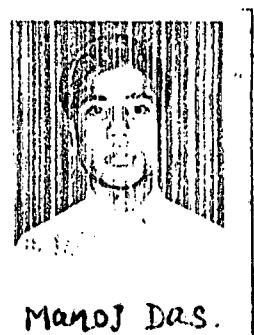
CALL LETTER for DOCUMENT VERIFICATION

No. RRB/G/41/10.

Date: 16/06/2005

To,
MANOJ DAS
DTS HILL COLONY LUMDING
QR NO 667 B
NAGAON
NAGAON ASSAM Pin - 782447.

Roll No.: **24534511**



Manoj Das.

Sub.: Recruitment/Selection for the post of Group - D
under Category No.01 of Employment Notice No. 1/2003.

As you have qualified in the Physical Efficiency Test, you are hereby advised to attend the office of Railway Recruitment Board, Station Road, Guwahati-781001, Assam, on 17/06/2005 at 10:00 A.M. for verification of original certificates, testimonials etc.

1. This Call Letter does not in itself entitle you for selection.
2. You should bring your original VIII Standard or above Certificate issued by the competent authority for verification of your date of birth, educational qualification etc. You should also bring all of your original certificates and marks-sheets of Matriculation and onwards issued by the respective Board/Council/University along with experience and other certificates, caste certificate, if any. If the originals of above certificates/marks-sheets have not been received from respective Board/Council/University, then /provisional pass certificate and marks-sheets issued by the respective Board/Council/University should be produced.
3. You are also directed to bring the Attested Photostat copies of all original certificates and marks-sheets and other certificates along with the originals.
4. You may be subjected to re-examination during the process of verification of documents etc. and you should come prepared for the same.
5. Your attendance may be required for more than one day (i.e. date as mentioned above) and you should come prepared for that.
6. Request for postponement of the date / venue mentioned above will not be considered and no further chance will be given.
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(Authority: Railway Board's letter no. E(NG)II-84/RSC/122, dated 23/11/84).

Confidential Copy *Done*
ASSISTANT SECRETARY
For CHAIRMAN, RRB - GUWAHATI
Done
Advocate

Railway Recruitment Board :: Guwahati

Station Road, Guwahati - 781 001 - 18 -

Phone : 0361 - 2540815

Annexure D
33

Result of Category No.01 of Centralized Employment Notice No.1/2003 (Group - D) for the Post of Trackman/ Khalasi/ Helper - II.

On the basis of their performance in the Written Examination held on 09/11/2003, 16/11/2003, 05/12/2004 and 12/12/2004, Physical Efficiency Test (PET) was conducted from 10/06/2005 to 13/06/2005 at Guwahati and from 10/06/2005 to 17/06/2005 at Kathi. The Candidates qualified in the PET were called for Verification of Documents, conducted in the Office of HRD, Guwahati from 1/06/2005 to 24/06/2005 and 04/07/2005 to 10/07/2005. After Verification of Documents, following 2670 numbers of candidates have been provisionally found eligible for the above post subject to fulfilling all eligibility conditions laid down in the Employment Notice No. 1/2003.

The list of unpanelled Candidates is being sent to the concerned authority for onward processing. Candidates will be intimated individually by Divisional Personnel Officers of Tinsukia, Lumding, Rangia, Alipurduar and Kathi Division of N.F. Railway, regarding Date & Time of reporting for Medical Examination etc.

Roll Numbers are arranged in ascending order (last six digits) and NOT in order of Merit.

13000162	43000261	43000372	13000397	13000398	33000440	13000460	13000774	13000890	13000891	13001174	13001689	33001731	43001816	23002046	
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Railway Recruitment Board :: Guwahati

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13010466	11301104	31301203	21301269	31301346	31301788	21302219	11302450	21302789	21303074	31303397	31303597	31303605	41303722	31304273	
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13161119	31316148	41316168	41316198	31316207	31320093	21320164	31321378	31321660	31321701	31321983	31322190	31322322	31322329		
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13524750	13524750	13524750	13524750</												

TOTAL = 2670 Candidates.

While every care has been taken in preparing the above results, the Railway Recruitment Board, Gorakhpur, will not be responsible for any typographical error and reserves the right to rectify the errors and omissions, if any.

Because of characteristics persons who may misguide candidates will false promises or getting them selected for the job, on illegal communication. Such persons do active to the honest people to the people. Thus, Guanabara argues that evaluation/selection is fully compensated and is based only on merit of the candidate.

(J. J. Borah)
Gauhati, DRR, Gauhati

20 Annexure - E

Repl with MD

Railway Recruitment Board, Guwahati

Not. RRB/G/41/90/Pt. II

Dt. 18-07-05

To: SHRI BISHNU DAS,
S/O SHRI JAGADISH CH. DAS,
VILL. & X X X X X OR. NO. 567/R,
D.T.S. HILL COLONY,
P.O. LUMDING
PIN 782447 - ASSAM

Please note that as per Centralized Employment Notice No. 1 of 2003, Vide Sl. No. 2 directives to the candidates, the age should be reckoned as on 01-07-03 and candidates must not be less than 18 years of age and must not be more than 33 years of age in case of UR(General) candidates with upper age relaxation to the SC/ST/OBC/ESM etc., etc. supported by the age proof documents.

But as per your Admit Card/HSLC certificate, your age has been recorded as 26th November, 1985. Hence you are yet to be attained 18 years of age as on 01-07-03 and treated as underaged, as specified above.

Therefore, you will not be empanelled by the Railway Recruitment Board, which may kindly be noted.

R K Sonowal
18/7/05
(R K Sonowal)
Asstt. Secretary
for Chairman/RRB/Guwahati.

राय असी दोष
Railway Recruitment Board
गुवाहाटी
Secretary -

Certified True Copy

LMS.
Advent.

Recd - MD

- 21 -

Annexure - E

30

RAILWAY RECRUITMENT BOARD:: GUWAHATI

Office of the
Chairman/RRB/Guahati,
Station Road, Guahati
PIN- 781001, Assam.

No.RRB/G/41/90. Pt-II

Date- 20-07-2005

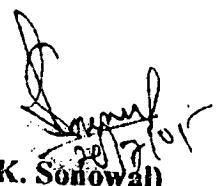
To

Manoj Das.
S/o Sri Jagadish Ch. Das.
Rly. Ph. No - 667/3 DTS Hill Colony.
P.O. Lourding.
Dist - Nagaon, Assam 782447.

Please refer to Item No.2, directives to the candidates of the Centralised Notice No.1 of 2003 which indicates that the age of candidates should be reckoned age on 01-07-2003. And age limit is in between 18 to 33 years. However upper age relaxation is applicable only to SC/ST/OBC/ESM etc. with supportive documents.

As per Admit card & the H.S.L.C. certificate, Your date of birth has been recorded 22-01-87. Hence you were yet to be attained 18 years of age as on 01-07-2003. And it is treated as underage, as specified above.

Hence you will not be empanelled by the Railway Recruitment Board, Guahati, which may kindly be noted.


(R.K. Sonowal)
Assistant Secretary
For Chairman, RRB/Guahati.
Railway Board, 1950
(Guahati).

Confirmed True Copy


Addressee

Office No. 153204



00713/00

Board of Secondary Education, Assam, Guwahati
ADMIT

BISHNU DAS

Son/daughter of

JAGADISH CH DAS

Roll. B02

543 No. 0095

To the High School Leaving Certificate Examination, 2002
 to commence on Monday, the 11th March, 2002

His/Her Date of Birth is November 26, 1983.

Subject(s) for Examination	MIL Subject	Subject in Lieu of MIL	Elective
	BENGALI		HINDI 4

Commencement : Morning - 9.00 a.m. Afternoon - 1.30 p.m.

N.B. : Any alteration made in entries on this Admit Card without the authority of the Board renders the candidate liable to disqualification for sitting at this or any subsequent Examination.

Counter-signed

Officer-in-Charge
 Asst. Officer-in-Charge
 (Office Seal)

Sd/- B.C. Medhi
 Controller of Examinations
 Board of Secondary Education, Assam
 Guwahati - 781 021

Authentic True Copy

Lms.

Advocate

Office No. 147320



01725/01

23

Annexure F.2
38

Board of Secondary Education, Assam, Guwahati

ADMIT

MONDJ DAS

Son/daughter of JOGODISH CH DAS

Roll No. 562 No. 0116

To the High School Leaving Certificate Examination, 2003

to commence on Tuesday, the 4th March 2003

His/Her Date of Birth is January 22, 1987.

MIL Subject	Subject in Lieu of MIL	Elective
BENGALI		ASSAMESE 4

Commencement : Morning - 9.00 a.m. Afternoon - 1.30 p.m.

N.B. : Any alteration made in entries on this Admit Card without the authority of the Board renders the candidate liable to disqualification for sitting at this or any subsequent Examinations.

Countersigned

Controller of Examinations
Assistant Commissioner
(Office Secy, Farangjao Ghati)

Sd/-B.C. Medhi
Controller of Examinations
Board of Secondary Education, Assam
Guwahati - 781 021

Certified True Copy

Mrs.

Advocate

GOVERNMENT OF ASSAM
OFFICE OF THE DEPUTY COMMISSIONER: : : : : KAMRUP: : : : : GUWAHATI
(ADMINISTRATION BRANCH)

NO.KAV-36/12/15

Dated:-

This is to certify that Shri/Smti. BISHNU DAS
..... Son/Daughter/Wife of Shri/Late JAGADISH CH. DAS
..... Village/Town KVKH MARA P.O. KVKH MARA
P.S. CHAYGANI in the District of Kamrup of the State of
Assam belongs to the Schedule caste. KAMRUP under:-

The Constitution (Scheduled Caste) Order, 1950
The Constitution (Scheduled Tribes) Order, 1950

Recommended by the Scheduled Castes and Scheduled Tribes lists
(Modification Order, 1960, the Bombay Recognition Act, 1960. The
Panjab Recognition Act, 1966, the State of Himachal Pradesh Act,
1970 and the North Eastern Areas (Recognition) Act, 1961. The Sched-
ules Castes and scheduled Tribes order (Amendment Act, 1976).

The Constitution (Andman & Nicobar Island) Scheduled Tribes order

The Constitution (D. & Nagar Haveli) Scheduled Castes order, 1962.

The Constitution (Dadea & Nagar Haveli) Scheduled Tribes order, 1962.

The Constitution (Pondicherry) Scheduled Tribes order, 1954.

The Constitution (Pondicherry) Scheduled Caste order, 1967.

The Constitution (Goa Daman & Dew) Scheduled Tribes order, 1968.

The Constitution (Goa Daman & Dew) Scheduled Tribes order, 1960.

The Constitution (Nagaland) Scheduled Tribes order, 1970.

Shri/Smti. BISHNU DAS and his/her families
ordinarily reside(s) in Town KVKH MARA

District of the State of Assam. Kamrup

Certified True Copy

(Seal)

Signature:

Designation:

Place: - Guwahati.

Deputy Commissioner, Kamrup
Addl. Deputy Commissioner, Kamrup
Sub-Divisional Officer (sadar), Guwahati.

Please details the words which are not applicable.

N.B: - The words ordinarily resides used here will have the as in
section of the Representation of the people, 1950.

NO. KAV-36/1246.

Dated: 12/12/2007.

This is to certify that Shri/Smti. MANGI DAS 40
Son/Daughter/Wife of Shri/Late JAGADISH CH DAS
Village/Town KUKUR MARA P.O. KIKUR MARA
P.S. THAYAGON in the District of Kamrup of the State of
Assam belongs to the Schedule Caste KHADGUSTIA under:-

The Constitution(Scheduled Caste)order, 1950
The Constitution(Scheduled Tribes)order, 1950

Recommended by the Scheduled Castes and Scheduled Tribes lists
(Modification Order, 1960, the Bombay Recognition Act, 1960. The
Panjab Recognition Act, 1966, the State of Himachal Pradesh Act,
1970 and the North Eastern Areas (Recognition) Act, 1961. The Sche-
dules Castes and scheduled Tribes order (Amendment Act, 1976).
The Constitution (Andman & Nicobar Island) Scheduled Tribes order
The Constitution (Dadra & Nagar Haveli) Scheduled Castes order, 1962,
The Constitution (Dadra & Nagar Haveli) Scheduled Tribes order, 1962.
The Constitution (Pandicherry) Scheduled Tribes order, 1964.
The Constitution (Pandicherry) Scheduled Caste order, 1967.
The Constitution (Goa Daman & Dew) Scheduled Tribes order, 1968.
The Constitution (Goa Daman & Dew) Scheduled Tribes order, 1960.
The Constitution (Nagaland) Scheduled Tribes order, 1970.

Shri/Smti. MANGI DAS and his/her families
ordinarily reside(s) in Town KUKUR MARA Kamrup
District of the State of Assam.

(Seal)

Signature:.....

Designation (with seal of Officer)

Place: Guwahati.

Deputy Commissioner, Kamrup
Addl. Deputy Commissioner, Kamrup
Sub-Divisional Officer (Sadar), Guwahati.

Please details the words which are not applicable.

N.B: - The words ordinarily resides used here will have the as in
section of the Representation of the people, 1950.

Confir True Copy

True
B. D. D.

26 SEP 2005

गुवाहाटी न्यायपीठ

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

O.A.No.226 of 2005

Shri B. Das and Another

- versus -

Union of India and Others

Written Statement filed by the Respondents before admission.

The respondents most respectfully beg to state as under:

1. That they have gone through the Original Application and understood the contents thereof.
2. That the respondents beg to state that both the applicants are under aged, i.e. below 18 years of age on the cut off date, i.e. 01.07.2003 and as such are ineligible for appointment and they have been informed accordingly.
3. That in reply to the statements in Para 4.8, it is stated that the employment notice clearly stated that the lower age limit is 18 years of age. There is no scope of relaxation of lower age.
4. That in reply to the statements in Para 4.9, the respondents beg to state that by submitting their application knowing well that they were under aged, the applicants are not entitled to have legitimate expectation.

File No. 1000/2005
26/9/2005
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S.C. 1000

Yashwant Singh
Chairman
R.R. यशवंत सिंह
Railway Recruitment Board
गुरुहाटी
समस्ती

5. That in the facts and circumstances, the O.A. deserves to be dismissed.
6. That this statements are made bonafide and for the cause of justice.

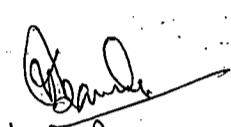
VERIFICATION

I, J. J. Borah

working as ...Chairman.... R.R.B./Guwahati....., aged
about 48 years do hereby verify that the statements
made above are true to my knowledge.

Guwahati

14.09.2005


Gibson Jyoti Borah

Signature

Chairman
Chairman RRB
Designation Board
Railway Recruitment Board
Guwahati
001.