

FROM No. 4.
(See Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

1. Original Application No. 52/06

2. Misc Petition No. _____

3. Contempt Petition No. _____

4. Review Application No. _____

Applicant(s) Nipen Boro

Respondants U.O.I. Govt

Advocate for the Applicant(s) R.C. Saikia, M.J. Boruah

Advocate for the Respondant(s) Railway Counsel

Notes of the Registry	Date	Order of the Tribunal
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This application is filed in the Registry on 24.2.06.	07.03.2006	None for the applicant. post on 20.03.2006.
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No. 269319406 Dated 24.2.06		
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1/c Dy. Registrar
1-3-06
PAI

mb
20.3.2006

Vice-Chairman (J) Vice-Chairman (J)

When the matter came for admission learned counsel for the applicant Mr.R.C.Saikia submits that for the satisfaction of his client answer scripts may be brought in before this Tribunal. His case is that he has definitely attempted 85 to 90% of questions, but according to the respondents the applicant attempted only 55% of marks which cannot be correct. Therefore, he requests for reverification of his answer scripts. Dr.J.L. Sarkar, learned Standing counsel for the Railways submits that if this procedure is adopted, there will be

Contd.

Contd.

20.3.2006 flood of cases which will not be a healthy practice for this Tribunal. Counsel for the applicant submits that he would like to get instruction on the subject.

post on 23.3.2006.

Vice-Chairman

bb

23.3.2006 The dispute is with regard to the answer sheets of the ^{of the written test in} applicant/which he appeared before the Railway Recruitment Board, Guwahati for the post of Trackman Grade-D category.

Mr.R.C.Saikia, learned counsel for the applicant had already produced a document at Annexure-C(I) to the O.A. which is a photocopy of the answer sheet that has been communicated to the applicant by the Railways. The limited contention of the applicant is that he has attempted 85 to 90% questions whereas the Annexure-C(I) shows only 55% is being answered, which according to him, is not correct and therefore, he has requested this Tribunal to summon the original answer sheet for ascertaining the correct position.

Dr.J.L.Sarkar, standing counsel for the Railways submits that Annexure-C(I) document is an authentic document which is attested by the competent officer of the Railway and there is no reason for doubting the same and therefore, the contention of the applicant cannot be sustained. But however, learned counsel for the applicant was insisting for the original answer sheet to be produced. Therefore, the respondents are directed to produce the original answer sheet before this Tribunal in the next date. It is made clear that this is being done at the cost of the applicant.

post on 13.4.2006.

Vice-Chairman

bb

order dt. 23/3/06
Sent to D/Section
for issuing learned
advocate for the
respondent and the
applicant.

24/3/06 D/No. 396, 397
Dt=30/3/06

26.04.2006 Present : Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

When the matter came up for hearing, Mr. J.L. Sarkar, learned standing counsel for the railways produced the original answer sheet and Court appointed Ms. U. Das, learned counsel as amicus curie to verify the original document No. C-1. Ms. U. Das, learned counsel has gone through the same and made a comparative study and after careful examination reported the Court that the document is same and there is no difference. However, learned counsel for the applicant is absent. Post the matter on 28.04.2006.

The original document will be kept on safe custody of the Registry.




Vice-Chairman

mb

28.4.06

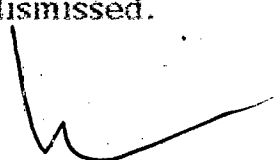
The applicant is a graduate in Arts and a Pravin in Hindi. He applied for the Centralized Grade D category (Trackmen) post as per advertisement published by the Indian Railways and accordingly he sat in the written test. According to the applicant he attempted 85 to 90 numbers of questions and answered at least 75 to 80 numbers of questions correctly, but he secured only 40.33 marks and he was not selected. Aggrieved by the said action of the respondents he has filed this O.A. seeking for certain reliefs.



28.4.06.

I have heard Mr. R.C. Saikia, learned counsel for the applicant and Mr. J.L. Sarkar learned Railway counsel appearing for the respondents. By order dated 23.3.2006 the Court had directed the respondents to produce the original answer sheets before this Tribunal. The contention of the applicant is that he has attempted 85 to 90% questions whereas the Annexure-C(1) shows only 55% is being answered, which according to him is not correct. On 26.4.2006 the counsel for the respondents produced the original answer sheets and after careful examination reported the Court that the document was same and there was no difference. To day the learned counsel for the applicant has verified the answer sheet before this Court and stated that the same is correct.

Considering the facts and circumstances of the case I am of the view that the application has no merit and the same is accordingly dismissed.


Vice-Chairman

lm

*Pl. comply order
dated 28.4.06*

*NS
1.5.06*

10/5/06

*Copy of the order
has been sent to
the D/Sec. for staff
the line to the applicant
as well as to the Rly,
Staffing Council.*

IT

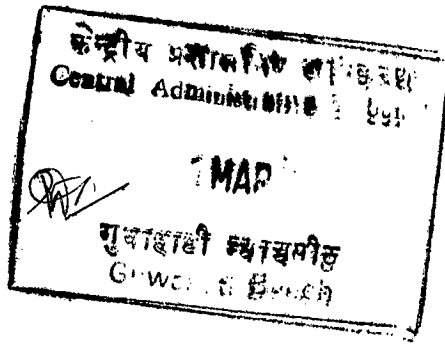
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

Original Application No. 52/06

1. a) Name of the Applicant:- N. Deyo
b) Respondants:- Union of India & Ors.
c) No. of Applicant(S):-
2. Is the application is the proper form:- Yes / No.
3. Whether name & description and address of the all the papers been furnished in cause title :- Yes / No.
4. Has the application been duly signed and verified :- Yes / No.
5. Have the copies duly signed :- Yes / No.
6. Have sufficient number of copies of the application been filed :- Yes / No.
7. Whether all the annexure ~~parties~~ are impleaded :- Yes / No.
8. Whether ~~English~~ translation of documents in the Language:- Yes / No.
9. Has the application is in time :- Yes / No.
10. ~~Has the~~ Vokatlatnama/Memo of appearance /Authorisation is filed: Yes / No.
11. Is the application by IPO/BD/for Rs. 50/- 264319406
12. Has the application is maintainable : Yes / No.
13. Has the Impugned order original duly attested been filed:- Yes / No.
14. Has the legible copies of the annexurea duly attested filed: Yes / No.
15. Has the Index of the documents been filed all available :- Yes / No.
16. Has the required number of enveloped bearing full address of the respondents been filed:- Yes / No.
17. Has the declaration as required by item 17 of the form: Yes / No.
18. Whether the relief sought for arises out of the Single: Yes / No.
19. Whether interim relief is prayed for :- Yes / No.
20. Is case of Condonation of delay is filed is it Supported :- Yes / No.
21. Whether this Case can be heard by Single Bench / Division Bench:
22. Any other point :-
23. Result of the Scrutiny with initial of the Scrutiny Clerk:
The application is in order.

SECTION OFFICER(J)

N. Sengupta
1.3.06
11e DEPUTY REGISTRAR



SYNOPSIS

The brief fact of the case is that the applicant is a graduate in Arts and a Prabin in Hindi. He applied for the Centralised Grade-D category (Trackmen) post as per advertisement published by the Indian Railway and, accordingly, he sat in the written test (objective type) where he attempted 85 to 90 number of questions and answered at least 75 to 80 number of questions correctly. But to his surprise, he secured only 40.33 marks. He approached the Hon'ble Tribunal by filing O.A. No. 262/05. A legal notice that had been sent to the respondent No.2 was annexed with the petition. The Hon'ble Tribunal by order dated 7.10.2005 was pleased to dispose of the case at the admission stage by directing the respondent to dispose of the representation (Annexure-C to the petition) and to intimate the result of the petitioner. Accordingly, the respondent No.4 intimated the result to the petitioner by issuing the impugned letter dated 15.12.2005 and annexing therewith the photocopy of the computer extract where it is shown that only 55 numbers of questions has been attempted and among these 44 number of answers are correct and as such, 40.33 marks has been scored. The petitioner is sufficiently qualified to answer all the questions correctly and, as such, prays to call for the original answer sheet by the Hon'ble Tribunal for re-examination and re-assessment of the same so that there will be no doubt of tempering.

Filed by :

Mrinal Jiban Baruah
(Mrinal Jiban Baruah)

Advocate

**THE CENTRAL ADMINISTRATIVE TRIBUNAL :
GUWAHATI BENCH AT GUWAHATI**

O.A. NO. 52 /2006

BETWEEN

Sri Nipen Boro
S/O Late Nanda Boro,
Vill- Halikuchi,
P.O.- Tulshibari,
Dist- Kamrup(Assam)

.....APPLICANT

-versus-

1. The Union of India,
Represented by the Secretary to the
Govt. of India, Ministry of Railway,
New Delhi.

2. The General Manager,
North East Frontier Railway,
Maligaon, Guwahati-11.

3. The Chairman,
Railway Recruitment Board,
Station Road, Guwahati - 781 001

4. The Assistant Secretary,
Railway Recruitment Board,
Station Road, Guwahati- 781.001

.....RESPONDENTS

DETAILS OF APPLICATION :

7
Filed by the Petitioner
through
Mrinal Gitan Baruah
Advocate, 27-02-06

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

This application is filed against the wrong examination of answer script and the calculation of number of questions answered by the petitioner in the written test held on 5.12.2004 at Guwahati in respect of the applicant and also with a prayer before this Hon'ble Tribunal to direct the respondents to make immediate re-examination of the answer script and produce before this Hon'ble Tribunal for reassessment of the number of attempted questions and the marks awarded in the answer script.

2. **JURISDICTION OF THE TRIBUNAL :**

The applicant declares that the subject matter of the instant application is within the jurisdiction of the Hon'ble Tribunal.

3. The applicant further declares that the subject matter of the instant application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4. **FACTS OF THE CASE :**

Facts of the case in brief are given below :

4.1 That the applicant begs to state that he is a citizen of India and a permanent resident of Kamrup District and, as such, he is entitled to all the rights and privileges guaranteed by the Constitution of India. The applicant belongs to Schedule Tribe (Plains) community and is the only earning member of his family consisting of his parents, younger brothers and sisters and there is no a single Govt. employee in his family.

Neeraj Bano

4.2 That the applicant begs to state that he is a graduate in Arts and after his graduation he could not pursue higher studies due to poor economic condition of his family and he has been constantly looking for a job in order to mitigate the poor economic condition of his family.

4.3 That, while he applicant was in search for a suitable job, he came across an advertisement issue in the local newspapers for filling up the posts of Centralised Group-D in the Indian Railways showing the number of vacant posts to be filled up on 28.6.2003 vide Employment Notice number 1/03. In the said Employment Notice the closing date was shown as 28.7.2003.

4.4 That pursuant to the advertisement the applicant collected the prescribed application format, filled up the same and submitted the same along with requisite enclosures to the concerned authority after fulfillment of required formalities as stipulated in the said advertisement.

4.5 That after receipt of the forms and enclosures duly verified, an admit card was issued to the applicant bearing Roll No. 33487211 for appearing in the written examination of Grade-D post to be held on 5.12.2004.

4.6 That your humble applicant begs to state that he has answered total 85 Nos. of questions out of total 100 Nos. of questions correctly and expected to secure 75 to 80 marks.

4.7 That the result of the examination has been declared on May, 2005 and to be utmost surprise the applicant found that his allotted Roll No. 33487211 did not reflect in the result sheet published by the Board. The applicant then approached the

Neeraj Bano

respondent Nos. 2 and 3 and requested them to let him know as to how many marks have been answered by this applicant and as to how many marks have been secured by this applicant but the respondents refused to allow this applicant.

4.8 That your applicant is a graduate and did his best in the written examination held at Pandu College and he was expecting to obtain at least 75 of marks inasmuch as the applicant correctly answered almost all the 85 Nos. of objective type of questions he attempted.

4.9 That the applicant is a candidate belonging to the Schedule Tribe Reserve community and only 44.27 marks is sufficient to qualify in the test.

4.10 That the applicant again approached the respondent No.3 and he told the applicant that this applicant had answered only 55 numbers of objective questions and scored below 40 marks which was not basically true.

4.11 This applicant finding no way out served the respondent No.2 a pleader's notice on 27.7.2005 requesting the respondent to make enquiry and to pass necessary order directing the concerned officials of the Board to re-assess his answer script bearing Roll No. 33487211, but the respondent refused to do so.

4.12 Finding no alternative way the applicant approached the Hon'ble Tribunal by filing Original Application No. 262/2005 to redress his grievances by re-assessing his original answer script and to that effect prayed before the Hon'ble Tribunal to direct the respondents to produce the records of the answer script before the Court.

Mepu Bano

4.13 That the Hon'ble Tribunal was pleased to take up the original application filed by the applicant on 7.10.2005 on which date the Hon'ble Tribunal was pleased to dispose of the application after hearing the counsel at the admission stage.

4.14 That the Hon'ble Tribunal vide order dated 7.10.2005 was pleased to direct the concerned respondents to dispose of the representation submitted by the applicant and convey the decision to the applicant within a period of six weeks from the date of receipt of the order.

Copy of the representation i.e. the legal notice and the order dated 7.10.2005 passed by the Hon'ble Tribunal in O.A. No. 262/2005 is annexed herewith and marked as **Annexure-A & B** respectively.

4.15 That the applicant begs to state that he immediately communicated the order dated 7.10.2005 passed in O.A. No. 262/2005 by submitting an appeal on 7.11.2005 and waiting for a positive result but he was shocked and surprised to receive the impugned order dated 15.12.2005 passed by the Assistant Secretary for Chairman, RRB/GHY issued under Memo No. RRB/CAT/OA No. 262/05/NB by which appeal submitted by the applicant annexing the order dated 7.10.2005 has been disposed of and a speaking order was passed holding that the respondent No. 4 did not find any reason for further consideration for selection against the Post of Trackman/Khalasi.

A copy of the impugned letter dated 15.12.2005 issued by the respondent

Meerun Bano

No. 4 under the Memo No. RRB/CAT/ OA No. 262/05/NB and answer sheet are annexed herewith and marked as Annexure-C and C(1) respectively.

4.16 That the applicant begs to state that the respondent passed the impugned order dated 15.12.2005 without disposing of the representation (Annexure-A) in true term and spirit and moreover, the photocopy of computer extract of his answer script is not convincingly genuine. Therefore, the applicant has approached this Hon'ble Tribunal ^{for} redressal of his grievance and for the ends of justice and equity.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION

5.1 For that the applicant being eligible having graduate degree as well as Probin in Hindi and sufficiently qualified to answer the question of Grade -D post category for which only HSLC passed certificate is sufficient but the respondent authorities has acted illegally and arbitrarily by not disposing of the representation of the applicant in proper terms and spirit.

5.2 For that the applicant being sufficiently qualified had answered at least 85 to 90 numbers of questions correctly and, as such, he had the legitimate expectation that his case would be considered for appointment of Grade D category but the respondent authorities by depriving the legitimate right of the applicant did not reflect the true figure of number of questions answered and the number of correct answers.

5.3 For that, the OMR (Answer sheet) which was annexed [Annexure-c(1)] with the impugned order dated 15.12.2005

Neeraj Baroo

(Annexure-B) is a photocopy of an extract from the computer and is not the genuine OMR(Answer sheet) against Roll No. 33487211. Moreover, a photostat copy of any document is not admissible under the Indian Evidence Act and as such, the original answer sheet against Roll No. 33487211 is required to be called for before this Hon'ble Tribunal for proper scrutiny and re-examination.

5.4 For that the respondent authority did not examine the original answer sheet of the applicant bearing Roll No. 33487211 and as such the total number obtained is not correct at all and liable to be re-examined properly before the Hon'ble Tribunal.

5.5 For that the figures of the original document i.e. answer sheet may tantamount to forging but the respondent authorities did not take into account that aspect of the matter and passed the impugned order dated 15.12.2005 rejecting the appeal filed by the applicant which is ex-facie bad in law and liable to be interfered with by this Hon'ble Tribunal.

5.6 For that the respondent authorities failed to take into account that the applicant is a sufficiently qualified (graduate) for Grade-D category post who hailed from a very poor family and has to bear the burden of his family and as such, he deserved the genuine examination of his answersheet against the Roll No. 33487211.

5.7 For that there are 2720 posts lying vacant in which appointment from Group-D category is going to be made by the respondent very recently and as such, your Lordship would be pleased to direct the respondents to immediately produce the original record before the Tribunal and make proper scrutiny from the genuine answer script so that the applicant who is a much

Nigey Bano

deserving candidate for the post gets the opportunity to be appointed through appearing in physical test.

6. DETAILS OF REMEDIES EXHAUSTED

That the applicant declares that he has no other alternative remedy than to come under the protective hands of this Hon'ble Tribunal.

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

The applicant further declares that he has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other Court, authority or any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR

Under the facts and circumstances as stated above, the applicant humbly and most respectfully prays that the instant application be admitted, relevant records be called for and upon hearing the parties, on cause and causes that may be shown, be pleased to grant the following reliefs to the applicant :

8.1 The Hon'ble Tribunal may be pleased to direct the respondents to produce original records of the answer script bearing Roll No. 33487211 held at Pandu College on 5.12.2004 for the post of Centralised Group-D i.e. Trackman.

Nepcy Gano

8.2 to allow the applicant to see the answer script within the Court room.

8.3 to re-assess and calculate the total marks answered and total marks obtained by correct answers

8.4 Any other relief or reliefs that may be entitled by the applicant and if more marks are obtained, the respondents may be directed to appoint the applicant in the post of centralised Group-D post after taking physical test.

9. **INTERIM ORDER PRAYED FOR :**

In the above circumstances, it is most earnestly prayed that the Hon'ble Tribunal may be pleased to pass an interim order directing the respondent Nos. 2 and 3 to keep a post of centralised Group-D category i.e. Trackman vacant till the disposal of this application and/or be pleased to pass order/orders considering the facts and circumstances of the case.

10. Application is filed through Advocate

11. **Particulars of I.P.O**

I.P.O. No.	:	266 319406
Date of issue	:	24-2-2006
Issued from	:	Guwahati Head Post Office (Meghaloot Bhawan)
Payable at	:	

12. **LIST OF ENCLOSURES**

As stated above

Nipun Baro

VERIFICATION

I, Shri Nipen Boro, aged 31, son of late Nanda Boro, vill- Halikuchi, P.O. Tulshibari, District- Kamrup(Assam) as above do hereby solemnly verified that the statements made in paragraph Nos. 1, 2, 3, 4.1, 4.2, 4.3, 5, 6 & 7 true to my knowledge, those made in paragraph Nos. 4.14 and 4.15 being matters of records, are true to my information derived there from which I believe to be true and those made in Paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this 28th day of February, 2006 at Guwahati.

Nipen Boro

-13-

Annexure A

17

Ram Chandra Saikia B.A., LL.B

Advocate

Gauhati High court
Phone: (0361) 2541066 (O)

Residence:

Rupnagar, Brindaban Path
Guwahati-781032
Phone: (0361) 2548682 (R)

Ref No.....

(1)

Date 27.07.05

To,

The General Manager, N.F. Railway
Maligaon, Guwahati-781011

Sub: Pleadings Notice

Respected Sir,

Under instruction of my client Sri Nipen Boro, S/o-Late Nanda Boro, resident of village Halikuchi, P.S.-Tulsibari, District-Kamrup, (Assam), I would like to serve this notice upon you as follows:

1. That my client applied for the post of Gangman/Trackman as per your employment Notice No. 1/03 (Centralised Grade-D) dated 13/06/2003 for filling up Grade-D posts on Indian Railways. The written examination for the posts was held on 5/12/04 at Pandu college at Guwahati and my client appeared in the examination under Roll No. 33487211.

Certified to be

True
[Signature]

-12-

18

Ram Chandra Saikia B.A., LL.B

Advocate

Gauhati High court
Phone: (0361)2541066(O)

Residence:

Rupnagar, Brindaban Path
Guwahati-781032
Phone: (0361)2548682(R)

Ref No.....

(2)

Date... 27.07.05

- 2 That out of 100 marks my client answered 85 marks and he expected 75 marks against the 85 marks he answered in as much as the questions were of objective type.
3. That my client is a Graduate and he is Probin in Hindi and he has undergone training and craftsmanship course under Food Product from the institute of Hotel Management at Guwahati and he knows type writing and further he completed six months course in "J.M. & Sons English Backery" (coimbatore) in Tamil Nadu and he has 7 months experience as kitchen supervisor at Hotel Nandan, Guwahati and further nine months experience in F & B Department in Brahmaputra Ashok Hotel at Guwahati.
4. That my client belonging to S.T(P) category. As per your employment Notice there are some preference/ reservation to ST.
5. That my client was expecting legitimately to be selected in the written test examination held on 5/12/2004. but unfortunately, the result which were declared in your office as per rule did not reflect the Roll No of my client

Ram Chandra Saikia B.A, LL.B

Advocate

Gauhati High court
Phone: (0361) 2541066 (O)

Residence:

Rupnagar, Brindaban Path
Guwahati-781032
Phone: (0361) 2548682 (R)

Ref No.....

(32)

Date 27.07.05

and he came to know from the computer section of your office that he secured 45 marks out of 55 marks he answered.

6. That my client answered against only 55 marks in said examination is absolutely incorrect.

7. That my client approach your esteemed office on several occasion and requested your good office to re-asses the answer scripts as there might be some wrong calculation done by the examiners (though not voluntary)

8. That my client approached several times to you by submitting representations narrating in details the facts and requesting you to take necessary action on the matter. But till date, no positive response from your end have received by my client.

In the aforesaid circumstances, you are most earnestly requested to make the inquiry and to pass necessary order directing your good officials to re-asses the marks against Roll No. 33487211 to the examination held on 5/12/2004 at Pandu college within the period of 15 days from today and further to keep one post of Trackman/Gangman vacant failing which my client will have no option but to approach to the

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Ram Chandra Saikia B.A., LL.B

Advocate

Gauhati High court
Phone: (0361) 2541066 (O)

Residence:

Rupnagar, Brindaban Path
Guwahati-781032
Phone: (0361) 2548682 (R)

Ref No.....

(4)

Date 27.07.05.

Hon'ble Court seeking proper remedy and in that event your good office shall be responsible to appear and to bear the cost of litigation.

An early response is eagerly awaited.

With kind regard

Your faithfully

Ram Chandra Saikia.

(Advocate)

FORM NO. 4.
(SEE RULE 42.)CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH.

ORDER SHEET

Original Application No. 262/05

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicant(S): Nipen Boro

Respondant(S): U. O. I. Govt.

Advocate for the Applicant(S):- R. C. Saikia, M. J. Boruah

Advocate for the Respondant(S):- Railway Counsel

Notes of the Registry | Date | Order of the Tribunal

7.10.05

Present: Hon'ble Mr. G. Sivarajan, Vice-Chairman.

Hon'ble Mr. M. K. Misra, Administrative Member.

The applicant appeared in the Selection test for the post of Group 'P' post under the Respondents. His grievance is that though he had successfully answered at least 85 marks but he was given only 45 marks. The applicant wanted to re-value the answer scripts by the Respondents. For this purpose he sent a pleaders Notice (Annexure C). His present grievance is that the Respondent has not ^{so far} disposed of the said notice.

We have heard Mr. M. Chanda learned counsel for the applicant and Mr. J. L. Sarkar learned counsel appearing for the Railways. We are of the view that this O.A. can be disposed of at the Admission itself with directions.

Accordingly there will be direction to the concerned respondents to dispose of the representation (Annexure C) submitted by the applicant and convey the decision to the applicant within a period of six weeks from the date of receipt of this order.

The O.A. is disposed of.

Sd- vice-chairman.

Certified to be
True
RBE

Copy with A.D. -16-

Annexure-C

22

RAILWAY RECRUITMENT BOARD :- GUWAHATI

No-RRB/CAT/OA.No-262/05/NB

Dated:15.12.05

To

✓ Shri Nipen Boro.
S/O Late Nanda Boro.
Vill-Halikuchi.
P O. Tulshibari.
Dist- Kamrup(ASSAM).

Sub:-Hon'ble CAT/Guwahati's order dated:-07.10.05.
against the OA No.262/05

Reff:-Your application No. Nil dated:-17.11.05 received
on 17.11.05

The appeal preferred vide your Letter No. Nil dated:-
07.11.05 received on:-17.11.05 has been put up to the competent authority for his
consideration. On going through your appeal the competent authority has passed his
speaking order which is enclosed herewith for your information please and hereby your
appeal dated:-07.11.05 has been disposed off.

DA - 1(One)

Copy to:-APO/LC/MLG. for his information please.

Sonowal
15/12/05
(R.K.SONOWAL)
Assistant Secretary.
For Chairman, RRB/GHY.

15/12/05
Railway Recruitment Board
Guwahati
(R.K.SONOWAL)
Assistant Secretary.
For Chairman, RRB/GHY

*Certified true
True RBL*

In reference to the Hon'ble CAT Guwahati's Order dated 7/10/05 against the OA No.262/05 in the case of Nripen Boro vs. Union of India and others, the undersigned had gone through the appeal NO. Nil dated 7/11/05 submitted by Shri Nripen Boro and pass the following order after due consideration

1. The Written Examination for the post of Trackman/Khalasi(Group-D) as per Centralized Employment Notice No.1/2003 was held on :-
 - (i) 09/11/2003
 - (ii) 16/11/2003
 - (iii) 05/12/2004
 - (iv) 12/12/2004 (Two sessions Morning & Evening)
2. Shri Nripen Boro bearing Roll No. 33487211 appeared in the Written Examination on 05/12/2004 in the Center Pandu College, Pandu, Guwahati-12.
3. It may please be noted that the result was declared basing on the performance of Written Examination purely on merit on All India Basis competitive Examination, subject to qualify in the physical efficiency test and fulfillment all terms and conditions let down in the Centralized Employment Notice.1 of 2003.
4. The claim made by Shri Nripen Boro through pleaders notice dated 27/7/05 that he had answered of 85 marks and expected to get 75 marks out of 100 questions. This is totally false and not based on facts, which may please be seen from the copy OMR (Answer sheet) of the written examination held on 05/12/2004 at Pandu College.
5. From the OMR(Answer Sheet) it is seen that :-

Total Mark -100 questions
Answered-55
Correct-44
Wrong-11
Total mark secured-40.33
6. Besides the Written Examination was held in 4 days at various centers and on the last day there was two sessions, both in morning and evening under the circumstances the formula of standard deviation was followed and after following the standard deviation, Shri Boro had scored 36.11 . However, the cut off mark of ST Reserve Community is 44.27 marks, which was higher than that mark scored by Shri Boro.
7. In view of above the appeal dated 7/11/05 submitted by Shri Nripen Boro has been carefully considered and the undersigned does not find any reason for further consideration for selection against the post of Trackman/Khalasi. Therefore, the appeal submitted by Sri Boro is hereby disposed off.

certified
Signature
14/12/05
Assistant Secretary
Railway Recruitment Board
Guwahati

Sd/-
Chief Officer
Delivery Room

RAILWAY RECRUITMENT BOARD, GUWAHATI

ANSWER SHEET

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2. OTHER INSTRUCTIONS ON THE BACK PAGE TO BE READ CAREFULLY.

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কম্পিউটার বা অন্য যন্ত্রের সাহায্যে
কোন ভাবেই এই পত্রিকার পূরণ করা যাবে না।

কর্তৃপক্ষ / ROLL NO.

3 13 14 8 7 2 1 1

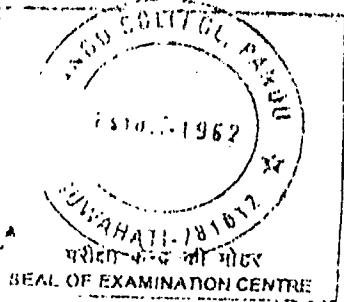
পরীক্ষার তারিখ / DATE OF EXAM.

05-12-2004

পরীক্ষার কেন্দ্র / CENTRE OF EXAM.

Panchajanya College

Signature
14/12/05
Secretary
Guwahati Railway Recruitment Board



কর্তৃপক্ষ
ROLL NO.

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QUESTION
BOOKLET NO.

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সিনিয়র সহকারী
ক্যান্ডিডেট রেজিস্ট্রার

Signature

গুৱাহাটী, অসম

1	(A)	(B)	(C)	(D)	26	(A)	(B)	(C)	(D)	51	(A)	(B)	(C)	(D)	76	(A)	(B)	(C)	(D)
2	(A)	(B)	(C)	(D)	27	(A)	(B)	(C)	(D)	52	(A)	(B)	(C)	(D)	77	(A)	(B)	(C)	(D)
3	(A)	(B)	(C)	(D)	28	(A)	(B)	(C)	(D)	53	(A)	(B)	(C)	(D)	78	(A)	(B)	(C)	(D)
4	(A)	(B)	(C)	(D)	29	(A)	(B)	(C)	(D)	54	(A)	(B)	(C)	(D)	79	(A)	(B)	(C)	(D)
5	(A)	(B)	(C)	(D)	30	(A)	(B)	(C)	(D)	55	(A)	(B)	(C)	(D)	80	(A)	(B)	(C)	(D)
6	(A)	(B)	(C)	(D)	31	(A)	(B)	(C)	(D)	56	(A)	(B)	(C)	(D)	81	(A)	(B)	(C)	(D)
7	(A)	(B)	(C)	(D)	32	(A)	(B)	(C)	(D)	57	(A)	(B)	(C)	(D)	82	(A)	(B)	(C)	(D)
8	(A)	(B)	(C)	(D)	33	(A)	(B)	(C)	(D)	58	(A)	(B)	(C)	(D)	83	(A)	(B)	(C)	(D)
9	(A)	(B)	(C)	(D)	34	(A)	(B)	(C)	(D)	59	(A)	(B)	(C)	(D)	84	(A)	(B)	(C)	(D)
10	(A)	(B)	(C)	(D)	35	(A)	(B)	(C)	(D)	60	(A)	(B)	(C)	(D)	85	(A)	(B)	(C)	(D)
11	(A)	(B)	(C)	(D)	36	(A)	(B)	(C)	(D)	61	(A)	(B)	(C)	(D)	86	(A)	(B)	(C)	(D)
12	(A)	(B)	(C)	(D)	37	(A)	(B)	(C)	(D)	62	(A)	(B)	(C)	(D)	87	(A)	(B)	(C)	(D)
13	(A)	(B)	(C)	(D)	38	(A)	(B)	(C)	(D)	63	(A)	(B)	(C)	(D)	88	(A)	(B)	(C)	(D)
14	(A)	(B)	(C)	(D)	39	(A)	(B)	(C)	(D)	64	(A)	(B)	(C)	(D)	89	(A)	(B)	(C)	(D)
15	(A)	(B)	(C)	(D)	40	(A)	(B)	(C)	(D)	65	(A)	(B)	(C)	(D)	90	(A)	(B)	(C)	(D)
16	(A)	(B)	(C)	(D)	41	(A)	(B)	(C)	(D)	66	(A)	(B)	(C)	(D)	91	(A)	(B)	(C)	(D)
17	(A)	(B)	(C)	(D)	42	(A)	(B)	(C)	(D)	67	(A)	(B)	(C)	(D)	92	(A)	(B)	(C)	(D)
18	(A)	(B)	(C)	(D)	43	(A)	(B)	(C)	(D)	68	(A)	(B)	(C)	(D)	93	(A)	(B)	(C)	(D)
19	(A)	(B)	(C)	(D)	44	(A)	(B)	(C)	(D)	69	(A)	(B)	(C)	(D)	94	(A)	(B)	(C)	(D)
20	(A)	(B)	(C)	(D)	45	(A)	(B)	(C)	(D)	70	(A)	(B)	(C)	(D)	95	(A)	(B)	(C)	(D)
21	(A)	(B)	(C)	(D)	46	(A)	(B)	(C)	(D)	71	(A)	(B)	(C)	(D)	96	(A)	(B)	(C)	(D)
22	(A)	(B)	(C)	(D)	47	(A)	(B)	(C)	(D)	72	(A)	(B)	(C)	(D)	97	(A)	(B)	(C)	(D)
23	(A)	(B)	(C)	(D)	48	(A)	(B)	(C)	(D)	73	(A)	(B)	(C)	(D)	98	(A)	(B)	(C)	(D)
24	(A)	(B)	(C)	(D)	49	(A)	(B)	(C)	(D)	74	(A)	(B)	(C)	(D)	99	(A)	(B)	(C)	(D)
25	(A)	(B)	(C)	(D)	50	(A)	(B)	(C)	(D)	75	(A)	(B)	(C)	(D)	100	(A)	(B)	(C)	(D)

Certified to be True
Signature

কম্পিউটার বা অন্য যন্ত্রের সাহায্যে
কোন ভাবেই এই পত্রিকার পূরণ করা যাবে না।

গুৱাহাটী, অসম

SL. No. 42176

DISTRICT:

VAKALATNAMA

IN THE GAUHATI HIGH COURT

[THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR, TRIPURA, MIZORAM
AND ARUNACHAL PRADESH]

C.A.T. G.Ly. Berach.

O. A. NO 52 OF 2006

Nipen Boroo

VERSUS

Union of India & others

APPELLANT
PETITIONER

RESPONDENT
OPPOSITE-PARTY

Know all men by these presents that the above named Petitioner
do hereby nominate, constitute and appoint Sri/Smt R.C. Saikia, M.J. Baruah
Advocate and such of the undermentioned Advocates as shall
accept this Vakalatnama to be my/our true and lawful Advocates to appear and act for me/us in the matter noted above
and in connection therewith and for that purpose to do all acts whatsoever in that connection including depositing or
drawing money, filing in or taking out papers, deeds of composition etc. for me/us and on my/our behalf and I/We agree
to ratify and confirm all acts to be done by the said Advocates as mine/ours for all intents and purposes. In case of non-
payment of the stipulated fee in full, no Advocate will be bound to appear and act on my/our behalf.

In Witness Whereof I/We hereunto set my/our hand on this 28th Day of February 2006

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KUMUD BARUAH	MS. BAHARUN SAIKIA	PADMA KT. BORAH	R.M. CHOUDHURY
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 N.K. BARUA
 B.K. BAISHYA
 IFTE KHAR AHMED
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MD. JYOTSHNA ALI
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ASHOK KR. BORA
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MISS. PARUL DAS
JAYABRATA SINHA
MISS. BIJAYA HAZARIKA
MISS. SUMITA CHOUDHURY
DEBAJIT BARUAH
MISS. DIPANJANA NANDI
ABDUL KASHIM TALUKDAR
BIKASH SARAF
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HARINARAYAN SARMA

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ASHIM TALUKDAR
ABID ALI
MS. SIMA GUPTA
D. N. BHATTACHARYYA
MISS. SUDAKSHINA KHANIKAR
ASHIMANTA GOSWAMI
ANIL SHARMA BHATRA
K. R. PATGIRI
DEBENDRA SAHARIA
RAJIB SARMA
MUSTAFA JAMAL QUADIR
MISS. MANASKANTA BARUAH
MISS. KAVITA K. JAIN
TAPAN RANJAN DAS
TRIDIB KALITA
MS. MAMONI ROY
SAIDUL ISLAM
MS. SHAMIMA BEGUM
DIPANKAR BAGCHI
SHYAMAL AICH
MS. KANIKA SINGHA
JAGADISH CH. GOGOI
MISS. SWARNALI S. CHOUDHURY
HARIBRATA CHANDA
MUKUT CH. BHATTA
SUJIT KR. ROY
RAJU GOSWAMI
NANI G. KUNDU
SHEKHAR CHAKRABORTY
OM P. AGARWAL
RANABRATA BANERJEE
MS. SUMITRA SARMA
MRS. BANDANA DEKA
TARUN BORA
MOTI RAJ ADHIKARI
MISS. SABBINA YASMIN
BISWAJIT BURAGOHAIN
MRS. BOBY G. BURAGOHAIN
MISS. SANGEETA BURAGOHAIN
NEEL KAMAL DEV NATH
MISS. DIPANNITA CHAKRABORTY
NAZMUL I. MAZARBHUIYA
PRASANTA HAZARIKA
MS. NAZNEEN AHMED
RIYAJUDDIN ANSARI
SOURAV SHARMA
MS. SIMA RANI DEY

MS. SWARNALATA GOSWAMI	AMIT JALLAN	NAYAN JT. SARMA	TILAK R. SARMA
MAINUL H. BARBHUYAN	ISTIAQUE ALAM	RITU BARNA DEKA	MD. BAHARUL ISLAM (II)
MUKTI RAM LASKAR	RAJIB CHAKRAVORTY	MS. MOMITA BARAH	MOHENDRA DEKA
MISS BINITA BARUAH	LASHMI N. DIHINGIA	MISS LIPIKA DEVI	MRS. B. DAS SARKAR
RAFICUL ISLAM (II)	RAKESH DUBEY	RITURAJ BISWAS	JONE KR. SENAPATI
MISS KAMALA SINGHA	DEVJYOTI CHOUDHURY	MISS SEEMA CHAKRAVORTY	IFTIQUER RAFIQUE
MISS ANUPAMA ROY	PRIYANKU SUNDI	SATYAJIT K. S. THAKUR	I. A. SHEIKH
BISWAJIT CHAKRABORTY	SUBRATA NATH (II)	DR MATIUR RAHMAN	MISS ELAKSHI DEKA
MD. RAFIKUL ISLAM (III)	MISS GITY KALITA	MRS. P. DUTTA BUJARBARUAH	MD. ABDUL A. ALAMGIR
BINODAN TALUKDAR	ROSHAN MALOO (JAIN)	AMAL KALITA	KAMAL K. GOSWAMI
MISS MINERVA BARTHAHUR	MS. ONTIMA SHARMA	MS. MANJU AGARWALA	BHASKAR JT. DAS
MISS NITU HAWELIA	TAPAN ROY	MOBARAQUE HUSSAIN	BIBEKA NANDA GOGOI
RAHUL BEZBARUAH	MOINUL HOQUE ANSARY	PURBADRI BANERJEE	DHRUBOJYOTI CHAKRABORTY
ABU NASERUDDIN AHMED	MD. RAHMAT ALI (II)	MRS. C. BARUAH TALUKDAR	MS. ARUNDHUTI BARUAH
SUMIT DAS	MISS MARY GOGOI	ZAKIR HUSSAIN	ARUNANGSHU DHAR
SANACHOWBA SINGHA	IDRISH CHOUDHURY	MAZHARUL ISLAM	MS. SHABANA A. CHOWDHURY
YUNUSH AHMED	MS. MINAKSHI BHATTACHARJEE	MRIDUL KR. BORAH	TAPAN RANJAN DEURI
MISS RITA DEVI	JYOTIRMOY PATOWARY	MRS. NANDITA NATH	MANOJ KR. SARMA (III)
N. ANIX SINGH	SHEELADITYA	MISS KALPANA TALUKDAR	MRIDUPAWAN GOSWAMI
BANDAN KR. KAR	MADHURYA MAHANTA	BHUPEN KUMAR	AMLAN SARMA
BIKRAM MALAKAR	MISS SHEHNAZ RASUL	MS. MITALI GOGOI	MS. MADHURIMA DUTTA
LALIT KR. MINDA	RASIDUL HUSSAIN	MISS RULI BARUAH	AMIT GOYAL
MD. FAJLEY K.R. AHMED	MISS ANJANA SINGHA	DIGBIJOY MANDAL	DEBASISH SINGHA
AMZAD HUSSAIN	MD. ABUBAKKAR SIDDIQUE	SANTANU PARASHAR	YADAV P. DAS
PHANINDRA KALITA	ABDUL AWAL	MS. MRINALEE BHUYAN	JAGAT CH. BORAH
JITEN PAYENG	SOHEL ALIM	SWAPAN KUMAR DAS	ANGSHUMAN SARMA
MS. KABERI DEKA	JAHAID M. A. CHOUDHURY	MS. ALPANA SAIKIA	MS. TINKU SOM
PRADIP KR. KALITA (II)	MISS JULFIYA BEGUM	MISS NASHREEN AHMED	MD. IMRUL HASSAN
SANTANU BORA	MD. HOSNUL HOQUE	MISS NILAKSHI BARMAN	MS. APARAJITA BHUYAN
KARABI KALITA	TRIDIB BAIDYA	SAIKH MD. A. PAHLAVI	BHUPEN SARMA
MISS MANIKA CHOUDHURY	SANTANU KR. SARKAR	SHAH NEWAJ AHMED	BISHWAJYOTI PATHAK
MISS RUMA DAS	PRASANTA S. DEKA	MRS. ABHINANDITA CHAKRABARTY	AZIM H. LASKAR
RAFIQUL ISLAM (IV)	MS. BINITA SWARGIARY	MRS. NIBEDITA SARMAH	MRS. SUNITA MEDHI CHOUDHURY
MASTER SHELIM	MISS SNIGDHA DAS	MANASH HALOI	RANJAN KR. SAIKIA
MRS. SUNITI KALITA	ATANU GANGULY	MISS SUSMITA KANUNGOE	MS. ANJU AGARWAL
MD. NEKIBUDDIN AHMED	BHARGAV SARMA	MS. TEENA SHARMA	MS. JULIE BEGUM
RAJIB BORPUJARI	TALAT H. HAZARIKA	MS. MANISHA SARMAH	RUPAM SARMA
DIGANTA BARMAN	DIPAYAN DUTTA	MISS BIJU RANI KALITA	K. ENATOLI SEMA
SAMIR DA	GHANASHYAM DAS	MISS BARASHA DAS	JASHADHIR DAS
ABDUL HASHEM KHANDAKER	NAYANJYOTI MEDHI	SAMUDRAGUPTA DUTTA	KAJIMUL H. BARUAH
DR TILOK DASGUPTA	MS. MOON MOON LASKAR	MISS KABITA GOSWAMI	MRS. DAISY B. GOGOI
ASHIM KUAMR BARUAH	DILIP DEY	RAJEEB KALITA	UJJWAL KR. DAS
SANJAY SINGH	MANOJ KR. SARMA (II)	TRIDEEP BARUAH	DIGANTA SARMA
PRATIM KR. CHAKRABORTY	MRS. JENNIFER ZAMAN	MS. AFSANA IRFAN	PARTHIV K. GOSWAMI
MOHD. INAM UDDIN	GURVINDER SINGH SODHI	MRS. DIKSHA H. BAROOWA	MS. PRITI REKHA BARUAH
NEELOTPAL DEKA	MD. GIASH UDDIN	MS. TRIPTI PATOWARY	MS. MANIKA DAS
MS. RUBINA SULTANA	MS. JULIANA RAHMAN	KRISHNA KT. DAS	MRS. CHINOO ROY SARKAR
PARSWAJYOTI DAS NAIR	MUSTAKIM RAHMAN	NAYAN MONI HAZARIKA	MS. USHA DAS
MS. AYESHA SIDDIKA	PRANJAL BORTHAKUR	ZAKIR HUSSAIN (II)	MS. BIJITA SARMA
MS. BHARATI MUKHERJEE	BIPUL KR. DAS	ABDUS S. AKAND	MD. SHAFIQUE KHAN
MS. MALABIKA P. GOGOI	ASHOK KR. BORAH (2)	MRS. SABINA YESMIN (II)	SAMEER AHMED
SRAVAN KR. TALUKDAR	MISS PALLAVI TALUKDAR	MRIDUL MAHANTA	BIKASH JAIN
HIFZUL I. CHOUDHURY	INDRAJEET SHARMA	MRS. SONGITA MAHANTA	MRINALJIBAN BARUAH
SUSHANTA DAS	SUKUMAR SARMA	ABDUL GONI	

Received from the executant,
satisfied and accepted

Advocate

Mr/Ms. *Ram Chandra Saikia* will lead
me/us in the case

And Accepted

Advocate

Mrinal Jiban Barnah

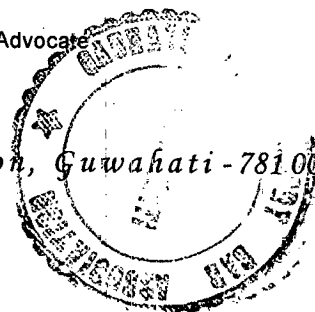
Advocate

And Accepted

And Accepted

Advocate

Advocate



NOTICE

From:- Mr. M. J. Baruah

Advocate Gauhati

To:- Standing Counsel, Railway

Ref:- O.A. NO. /2008

Between

Sri Nipen Boroo
----- Petitioner

VS-

Union of India & others
----- Respondents

Sir,

Please take notice that the above mentioned applicant/petitioner has filed an application as mentioned above, a copy of which is served upon you for your kind use and perusal.

Kindly, acknowledge the receipt of the same.

Receipt & Acknowledgment

22
3/3/08.

Thanking you
Yours faithfully
Mrinal Giban Baruah
Advocate.