

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,  
JABALPUR

Original Applications No 1139 of 2004

*Indore*, this the 18<sup>th</sup> day of October, 2005.

Hon'ble Mr. M.P. Singh, Vice Chairman  
Hon'ble Mr. Madan Mohan, Judicial Member

Sujeet Ku. Chouhan  
S/o Shri P.L. Chouhan,  
Aged about 36 years,  
R/o Behind Police Station,  
Hanumantal,  
Jabalpur (M.P.)

Applicant

(By Advocate – Shri M. Sharma)

VERSUS

1. Union of India,  
Through it's Secretary,  
Railway Board,  
New Delhi.
2. The General Manager,  
West Central Railway,  
Jabalpur.
3. The General Manager,  
South-East Railway,  
Bilaspur (Chhattisgarh)
4. The Railway Recruitment Board,  
East Railway Colony,  
Bhopal -462 010 (M.P.)  
Through it's Secretary.
5. The Chairman,  
Railway Recruitment Board,  
Bhopal – 462 010 (M.P.)

Respondents

(By Advocate – Shri M.N. Banerjee)

## ORDER

By Madan Mohan, Judicial Member –

By filing this Original Application, the applicant has sought the following main reliefs :-

“i) Call upon the entire material record pertaining to recruitment to the post of Law Assistant as initiated by advertisement dated 13.5.2004 (Annexure A/4) for its kind consideration from the respondents.

ii) Direct the respondents to consider the case of the applicant for the post of Law Assistant and consequential appointment in the event of his having qualified the same or in the alternative quash and set aside the selection so made and declared on 6.12.2004 eliminating the applicant from the post of Law Assistant.”

3. The brief facts of the case are that the applicant is a Law Graduate having qualification of Bachelor in Law from Rani Durgawati Vishwa Vidyalaya in the year 1997. He has registered his name in Bar Council of M.P. Annexure-A-1 for practicing as Advocate and he belongs to SC community. The respondents have issued an advertisement dated 13.5.2004 for the post of Law Assistant alongwith other posts. The total number of posts of Law Assistant were 16 (UR-6, OBC-3, SC-5 & ST-2). In pursuance of the aforesaid advertisement, the applicant has applied for the said post and appeared in the written examination and his name appeared within 42 candidates who were declared successful in the said test and he was issued a call letter Annexure-A-7 for interview and verification of candidature. According to the applicant, he appeared before the board and gave interview, wherein the applicant answered all the questions to the best of his capability and was fully hopeful for succeeding. However he was informed that there is some problem with regard to his registration certificate issued by the Bar Council of M.P. and his caste certificate, which needs to be rectified within 15 days. Thereafter the applicant immediately rushed to Jabalpur and on 13.12.2004 he submitted the correct certificates with regard to his



caste and registration certificate issued by the Bar Council of M.P. However the respondents have refused to take the same and it was informed to him that his result has already been issued on 6.12.2004 itself and at this stage the aforesaid certificates would not be accepted, as the applicant does not figure anywhere in the result. Thereafter the applicant has submitted a representation dated 14.12.2004, but the respondents have not taken any decision. Hence, this OA.

4. Heard the learned counsel for the parties and carefully perused the records.

5. The learned counsel for the applicant has argued that the applicant has participated in the written examination and he qualified the said examination. Thereafter he has appeared alongwith his original documents before the respondents No.4 at Bhopal on 6.12.2004 and he has given his interview. However, vide letter dated 6.12.2004 the respondents have intimated the applicant that a corrected copy of caste certificate and registration certificate issued by the Bar Council of M.P. be submitted within 15 days. Immediately thereafter the applicant has submitted the correct copy of the same on 13.12.2004. However, the respondents have refused to take the same and informed the applicant that the result has already been issued on 6.12.2004 itself. The learned counsel for the applicant further submitted that the respondents themselves have given him 15 days time to submit the correct certificate vide letter dated 6.12.2004. However they have denied for taking the aforesaid documents and declared the result on 6.12.2004. The action of the respondents is totally illegal and not sustainable in the eyes of law. Hence, this OA is liable to be allowed.

6. The learned counsel for the respondents argued that during the document verification, two deficiencies were found by the respondents. First regarding enrolment number of registration certificate issued by the Bar Council of M.P. and secondly surname



written in the cast certificate, academic qualification certificate and in application were not similar. Therefore, he was issued letter dated 6.12.2004. The learned counsel for the respondents further argued that on the basis of these deficiencies the applicant was not deprived of the merit. If the applicant comes in merit, then he could definitely be declared as a successful candidate beside the aforesaid deficiencies. However, he was not in merit list, he could not be appointed. The action of the respondents is perfectly legal and lawful. Hence, this OA deserves to be dismissed.

7. After hearing the learned counsel for the parties and on careful perusal of the records, we find that the applicant appeared in the interview before the respondents on 6.12.2004 and on that day he was informed about two deficiencies. First regarding enrolment number of registration certificate issued by the Bar Council of M.P. and secondly surname written in the cast certificate, academic qualification certificate and in application were not similar. He was directed to submit the correct copy of the aforesaid documents within 15 days. On 13.12.2004 the applicant has given a copy of the correct certificates to the respondents. However they have refused to take the same and informed him that the result has already been declared on 6.12.2004 and he could not figure anywhere in the result/merit list. We have perused the original records wherein we find that in the said paper total marks was 100 and out of 100 marks, 85 marks was for written test and 15 marks for interview. We also find from the merit list that more numbers have been allotted to the meritorious candidates. The details are as under :-

Sr.No.	Candidates Name	Marks of written Examination	Marks of Interview Examination	Total
23.	Shri K.B.Pethakar	35.42	9	44.42
27.	Shri A.Singh	38.42	4	42.42
29.	Shri V.P. Arya	28.81	11	39.81
30.	Shri S.K. Soyal	30.69	9	39.69
31.	Shri Sanjay	30.22	9	39.22
40.	Shri Sujeet Ku.Chouhan	26.44	5	31.44



It is very clear from the advertisement and record that the total number of vacancies for S.C. community was 5 and the applicant got the 6<sup>th</sup> position in the merit list of S.C. candidates. Thus the contention of the respondents that the applicant could not come in the merit list, is correct. In view of the above, the respondents have not committed any irregularity or illegality. Hence, the OA is deserves to dismissed.

8. In view of the above, the OA is bereft of merit, accordingly, the same is dismissed. No costs.

(Madan Mohan)  
Judicial Member

(M.P. Singh)  
Vice Chairman

पृष्ठांकन सं ओ/न्या..... जवतपुर, दि.....  
पत्तिलिपि.....  
(1) सचिव, उच्च.....  
(2) अवरुक्त.....  
(3) प्रत्यक्षी.....  
(4) वंयपाल.....  
सूचना एवं जवतपुर..... रजिस्ट्रार

M. Sharma B.A. 2005  
M. K. Bera B.A. 2005

7/11/05  
8/11/05