

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 643 of 2004

Indore this the 18th day of October 2005

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

Rajeev Kumar Jain,
S/o. Shri Mahendra Kumar,
About 30 years, R/o. Deepali Stainless
Emporium, Purani Bajaria, Banda,
Distt. Banda (UP) – 21001. Applicant

(By Advocate – Shri Satyendra Jain)

Versus

1. Union of India, Secretary,
Through Ministry of Railways,
Railway Bhavan, New Delhi.
2. Railway Recruitment Board,
Thorough Chairman, East Railway
Colony, Bhopal.
3. Railway Recruitment Board, through
Chairman, Divisional Office Compound,
Mumbai, Central Mumbai-400008. Respondents

(By Advocate – Shri H.B. Shrivastava)

ORDER

By Madan Mohan, Judicial Member -

By filing this Original Application the applicant has claimed the following main reliefs :

- “1. the applicant may be considered for re-vision test in view of the Distt., Medical Officers report & recent eye test report Annexure A-3 & A-8 respectively,



2. the RRB., Bombay may be directed to reserve one vacancy for the post of ASM and the applicant may be appointed on the same after being passed in re-vision test."

2. The brief facts of the case are that the applicant appeared in the examination conducted by the Railway Recruitment Board in the year 2002 for the post of Assistant Station Master (in short ASM). He received the call letter from Mumbai Board and appeared in the psycho test scheduled to be conducted from 2.6.2003 to 12.6.2003. The candidates were also required to produce original medical vision certificate. The applicant produced all the relevant certificates before the respondents. Thereafter the applicant was considered for the post of ASM and called upon for the purpose of verification of all the documents which he produced at the time of psycho test including vision certificate. The applicant received a call letter for verification of all original documents. The applicant is a permanent resident of District Banda, (UP). The venue for the vision test & verification was fixed at RRB office, Mumbai Maharashtra. Unfortunately just 5 days before the verification & vision test the applicant caught with eye flue and in this condition he had to travel around 1200 Kms from Banda to Bombay for the purpose of Vision Test and verification. The applicant took exertion and traveled around 1200 Kms. from Banda to Bombay for the purpose of verification and vision test. The applicant submitted his original documents as required and the original vision test report showing perfect eyesight. The applicant also deposited the prescribed fee for medical test which was to be done by the Medical Officer of the Railway Board. He was examined on 5.9.2003 by the Railway Board. He was shocked when he found his roll number in the list of candidates who were disqualified in the vision test. The copy of the final result dated 21.10.2003 is Annexure A-6. He submitted representation to the Chief Medical Office on 24.11.2003 (Annexure A-7) stating that his eyesight was OK before he caught with eye flue according to the report of the District Medical Officer submitted by him at the time of psycho test. At present the applicant is having perfect eye sight as



required for the test of ASM. There has been some error or omission on the part of the Medical Officer of the Railway Board. Hence, this Original Application is filed.

3. Heard the learned counsel for the parties and carefully perused the pleadings and records.

4. The learned counsel for the applicant and has drawn our attention towards Annexure A-3 i.e. the two certificates issued by the Senior Eye Surgeon of District Hospital, Agra dated 27.5.2003 and 9.12.2003. He argued that the aforesaid two certificates issued in his favour are not obtained from any private Doctor but it is of Mr. B.B. Sharma, who is the Senior Eye Surgeon in the District Hospital, Agra. Hence, it cannot be said to be false. There is some error or omission on the part of the Doctor of the Railway Board in conducting the vision test. The applicant is entitled for the reliefs claimed.

5. In the reply it is argued on behalf of the respondents that the applicant had cleared the written test and was called for verification of the educational qualification certificates and for vision test. The applicant had gone through the medical/vision test as provided for the post of ASM and was declared unfit by the Railway Medical Board/Doctor. In the present Original Application the applicant has challenged the report of the Railway Medical Board declaring him unfit in the Medical/Vision test. Thus on the said reasoning this application is liable to be dismissed as passing of the required medical test is a pre-condition for appointment to any candidate. Hence, this Original Application deserves to be dismissed.

6. After hearing the learned counsel for the parties and on careful perusal of the pleadings and records, we find that admittedly the applicant had passed the written test conducted by the respondents but he was found unfit for medical test about his vision conducted by the concerned Railway Medical Board. We have also perused Annexure A-3 submitted



by the applicant which are the certificates issued by Dr. BB Sharma, Civil Eye Surgeon dated 27.5.2003 and 9.12.2003. In both the certificates the Doctor has mentioned that the applicant fully conforms to the above vision standards mentioned in the certificates. But on the other hand the Railway Medical Board has found the applicant unfit with regard to his vision for the said post of ASM.

7. Considering all the facts and circumstances of the case we are of the considered view that ends of justice would be met if we direct the respondents to conduct re-vision test of the applicant within a period of three months from the date of receipt of a copy of this order. We do so accordingly. If the applicant is found suitable in the vision test then he be considered for appointment on the alleged post of Assistant Station Master.

8. Accordingly, the Original Application stands disposed of in the aforesaid terms. No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

पूठकन सं ओ/ग्या.....जवलपुर, दि.....

पतिलिपि अवधि:-

(1) सचिव, उच्च न्यायालय वार एक्सेक्यूटिव, जवलपुर

(2) आवेदक श्री/श्रीमती/कु.....

(3) प्रत्यर्थी श्री/श्रीमती/कु.....

(4) वकालत, एडवोकेट, जवलपुर न्यायाधीश

सूचना एवं आवेदन कार्यालय

उप रजिस्ट्रार

"SA"

14.11.05