

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 784 of 2003

Jabalpur, this the 16th day of December, 2004

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

Bhpendra Pratap Singh,
S/o. Shri Bajrang Bahadur Singh,
Aged about 30 years, R/o. I-6,
E.W.S. Colany, Rasulabad,
Distt – Allahabad (U.P.). Applicant

(By Advocate – Shri Parimal Chaturvedi on behalf of Shri P.S.
Chaturvedi)

Versus

1. Union of India, Through : The Secretary,
Dept. of Railway, New Delhi.
2. The General Manager,
West Central Railway,
Jabalpur.
3. Asst. Secretary,
Railway Recruitment Board, Bhopal,
West Central Railway, Bhopal (M.P.). Respondents

(By Advocate – Shri M.N. Banerjee)

ORDER

By Madan Mohan, Judicial Member –

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

“ii) direct the respondent's to declare the result of the petitioner of second stage examination and give the appointment as per his merit position,

iii) and also pay the arrears salary and the seniority from the date of lower meritorious candidate were selected.”



2. The brief facts of the case are that the respondents Railway Recruitment Board, Bhopal issued an advertisement vide No. 1/2002 in the Employment News Paper dated 29.6.2002 for number of posts. The applicant applied for the post of Goods Guard in the pay scale of Rs. 4500-7000/-, as the applicant was fulfilling all the requisite qualification for the aforesaid post. He got the roll number and for the first stage written examination which was held on 23.2.2003, the result was declared and he was qualified for the second stage examination. The applicant has got the admit card for the second stage of examination also which was to be held on 1.6.2003. He appeared in the second stage examination at Bhopal but he did not have the same passport size photograph which he has earlier affixed in the application form and in his admit card. The admit card is divided in two parts. In the first part the photograph was already printed which the candidate affixed at the time of filling of application form and second portion of the form is to be filled up by the candidate in the examination hall and also a photo is to be affixed which is signed by the invigilator. The applicant's photograph in the second part of the admit card was not matching because the initial photograph was of his schooling days and subsequent photograph was of recent days. The respondents has withheld the result of the applicant due to non-matching of both the portion photographs. The result was declared in the month of July, 2003 and he was shocked to see the result because the less meritorious candidates to the applicant has passed the exam and was selected for the alleged post. The applicant approached the office of the respondents and enquired about the result. But from his reliable sources it was informed to him that his result was withheld due to non-matching of the photographs. Thereafter immediately on 3.8.2003 he

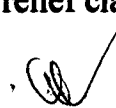


submitted the representation before the respondents and agitated his grievance but the respondents neither declared his result nor taken any action to decide his representation. Aggrieved by this he has filed this Original Application.

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

4. It is argued on behalf of the applicant that as the applicant was eligible for the post advertised by the respondents, he has applied for the same. He succeeded in the first stage of the examination and admit card was issued for the second stage. He appeared in the second stage examination also but on the ground of non-matching of the photographs his result was wrongly withheld by the respondents. The reason of non-matching of the photographs is that the first photo affixed in the application form was of his schooling days and subsequent photograph was of recent days. Both the photographs were of the applicant and this was not a genuine ground to withheld the result of the applicant in the second stage examination, in which his performance was excellent. He further submitted that on his representation made to the respondents no action was taken by them. Hence, the applicant is entitled for the reliefs claimed.


5. The learned counsel for the respondents argued that this fact is not true that the result of the applicant was with held on the ground of non-matching of the photographs pasted on his application form and the admit card. The fact is that he did not secure sufficient marks to come within the zone of consideration. In other words it means that he secured much less marks than the cut-off marks and he is also much below than the last selected candidate of his category. Hence, the applicant is not entitled for any relief claimed by him.



6. After hearing the learned counsel for the parties and on careful perusal of the records, we find that the applicant secured only 93.33 marks out of 120 marks. His Serial No. was 557, while the merit list was prepared of the candidates up to serial No. 321 and the last candidate secured 101.33 marks. We have perused the original records produced by the Railway Recruitment Board, Bhopal of the second stage of examination held on 1.6.2003, whereas the respondents were directed to produce the documents relating to the marks secured by the applicant in the first stage of selection held for the post of Goods Guard on 1st June, 2002. The applicant has sought reliefs about the second stage of examination. Hence, the arguments advanced on behalf of the learned counsel for the respondents that the applicant was successful for the first examination but could not secure the required marks in the second stage examination and accordingly was not selected, seems to be correct according to the original records produced by the Railway Recruitment Board, Bhopal. The results of successful candidates are declared, whereas no communication is sent to the unsuccessful candidates. The contention of the applicant that his result was withheld on the ground of the alleged non-matching of the photographs in the admission cards is clearly denied by the respondents. Thus, we find that the applicant could not secure the qualifying marks in the second stage of examination and was rightly not selected by the respondents.

7. Considering all the facts and circumstances of the case, we are of the opinion that the applicant has failed to prove his case and this Original Application is liable to be dismissed as having no merits. Accordingly, the Original Application is dismissed. No costs.


(Madan Mohan)
Judicial member


(M.P. Singh)
Vice Chairman

“SA”