

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 769 of 2000

Jabalpur, this the 20th day of April, 2004

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

Rajeev Kumar Saxena,
S/o. late Shri D.S. Saxena,
aged about 34 years, Head Clerk
in Central Railway, Office of the
Divisional Railway Manager (P),
Bhopal (M.P.),

Resident of : R.B. II 203/A,
Railway Colony, Bhopal 586 435

... Applicant

(By Advocate - Shri P. Chaturvedi)

V e r s u s

1. The Union of India, through the
General Manager, Central Railway,
Mumbai CST.

2. Dr. N.C. Meshram, Senior Divisional
Personnel Officer, Office of the
Divisional Railway Manager, Central
Railway, Bhopal Division,
Bhopal (M.P.).

3. The Divisional Railway Manager,
Central Railway, Bhopal Division,
Bhopal (M.P.).

... Respondents

(By Advocate - Shri S.P. Sinha)

O R D E R

By Madan Mohan, Judicial Member -

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

"(i) the applicant's name be included in the
selected panel for the post of office Superintendent
Grade-II or in the alternative the Review Selection
Committee be called to consider the Applicant's
suitability on the basis of such criteria on which
his juniors have been selected and the date of the
applicant's appointment be on the basis of
suitability be deemed to be 9th February, 1999,

(ii) and the applicant be placed in the Selected
panel Annexure A-2 according to his seniority."

2. The brief facts of the case are that the applicant



was holding the post of Head Clerk in the office of Station Master, Bhopal Railway Station, Central Railway, Bhopal. There was a selection for the post of Office Superintendent (P) II Grade Rs. 5500-9000/- (RSRP) of personnel Department. The applicant was eligible to appear in the examination. The total marks were 100. The break up of these marks were 35 marks for written examination, 15 marks for interview, 20 marks for professional ability, leadership and educational qualification, 15 marks for confidential reports and 15 marks for seniority. Out of these 100 marks, 50 marks were for written test plus interview and 50 marks were for other constituent factor for which the estimate of eligibility of the candidate was made. Further minimum 35 marks were required to be obtained out of marks allotted for written test plus interview. For the rest factors 50 marks were allotted. It was necessary to obtain 30 marks out of each division of the marks. Only the other condition of the test was of obtaining 60 per cent marks out of the written test. Thus the applicant must have become eligible to be called for interview, as he has obtained minimum 21 marks out of 35 marks. The applicant was not even granted 9 marks minimum out of 15 marks allotted for the interview. Failing the applicant in interview is not true test of merits. The written test for the post of Office Superintendent II (P) in the grade of Rs. 5500-9000/- in Personnel Department was held on 31.10.1998 and supplementary on 14.11.1998. The result of the written test was published on 14.12.1998. The name of the applicant is at serial number 8 in the results. The successful candidates including the applicant were called for viva-voce on 24.12.1998. The list of 17 successful candidates shows that 10 candidates of General category have passed in the written test and 7 candidates of

Scheduled Caste/Scheduled Tribe. The respondent No. 2 Dr. N.C. Meshram, Senior Divisional Personnel Officer himself belongs to SC/ST category. His attitude towards the employees of general category is normally harassing treatment. In this selection committee all the three members were belonging to SC/ST category. There was no representation of a candidate of general category, when the Railway Board has prescribed that in all the panels one SC/ST category member should be in the panel to represent SC/ST category candidates and therefore representation of general category member should also be in the panel. The result of the applicant excluding the applicant from the selection list for the post of Office Superintendent (P)II is Annexure A-2. The applicant submitted his representation dated 26.2.1999, which has not yet been replied to. Thereafter the applicant had applied for personal interview to the Divisional Railway Manager, Central Railway, Bhopal. A reminder was also submitted on 1.4.1999 with reference to his representation dated 26.2.1999. Again no reply was given to the said representations. Aggrieved by this the applicant has filed this OA claiming the aforesaid reliefs.

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

4. It was argued on behalf of the applicant that he secured higher marks in the written test but he was not even granted 9 marks minimum out of 15 marks allotted for the interview. This means that interview, for which there was no guideline, is not reflected the intelligence which the applicant had shown in the written examination. This is on account of the fact that the attempt to fail the applicant was a cool and calculated design. Failing the

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applicant in the interview is not true test of merits. It is further argued on behalf of the applicant that all the three members in the selection committee were belonging to the SC/ST category, while there was no representation of any member from a general category. The respondent No. 2 Dr. N.C. Meshram, Sr. Divisional Personnel Officer himself belongs to SC/ST category. His attitude towards the employees of general category is normally harassing treatment. Hence being no representative of the general category candidate in the selection committee the so called interview is against the law.

5. In reply the learned counsel for the respondents argued that it is not necessary that if a candidate secures high marks in his written test should also secure higher marks in the interview. While a candidate who secures low marks in the written test may secure high marks in the interview. Hence the argument advanced on behalf of the applicant that he was not given proper marks in the interview while he had secured high marks in the written test cannot be legally sustained. Secondly it is argued on behalf of the respondents that in the Rule 218 of IREM, the selection Board is consisting of three officers, one of whom should be Personnel Officer, one of the officer should be from the Department other than that for which the selection is held. It is further argued that for fair selection it is also provided that none of the three members be directly subordinate to anyone of them. The selection Board was constituted by competent authority. It does not provide that there should be an officer belonging to general category in the selection board. Thus the contention of applicant for representative of general category candidate is not supported by any rule. The applicant has also not filed any rule against the above

arguments put forth by the respondents. He has simply filed his rejoinder.

6. We have given careful consideration to the rival contentions made on behalf of the parties and we find that it is not necessary that if a candidate who secures high marks in the written test should also secure high marks in his interview. It is possible that a candidate may secure high marks in the written test and low marks in his interview, because interview is a personality test, and written test is conducted to assess the knowledge of the candidate in a particular subject. In interview personality and other features are to be seen by the members of the selection committee. Secondly there are certain provisions for constituting the selection committee and in which one or two members should be of the SC/ST category. But there is no such rule that the selection committee should also have any member of the general category. The applicant has failed to show us any rule relating to it.

7. Hence we are of the considered opinion that the applicant has failed to prove his case and accordingly the Original Application is dismissed. No costs.

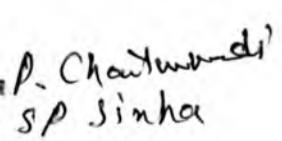
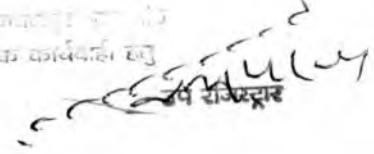

(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

"SA"

पृष्ठांकन सं. ओ/स्पा....., पटना, दि.....
राज्यीय नियमित विधायिका, पटना

(1) राजेन्द्र, राजेन्द्र लाल चौहान, पटना
(2) अक्षेत्र धी/वीरेंद्री/कुमार, राज्यीय नियमित विधायिका, पटना
(3) प्रह्लादी धी/वीरेंद्री/कुमार, राज्यीय नियमित विधायिका, पटना
(4) कंदमबहाल, राजेन्द्र, राजेन्द्र लाल चौहान, सूचना एवं जावरयक कार्यकारी दल


P. Chaudhuri
SP Singh

S. P. Singh
राज्यीय नियमित विधायिका, पटना