

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 29th day of October, 2010

ORIGINAL APPLICATION No.299/2006

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

1. Vijay Kumar Saxena,
Rajbhasha Superintendent (Ad hoc),
West Central Railway,
Kota Division,
Kota.
2. Smt.Sheela Sharma,
Rajbhasha Assistant Gr.I,
Wagon Repair Shop,
West Central Railway,
Kota Division,
Kota.

... Applicants

(By Advocate : Shri Shailendra Srivastava)

Versus

1. Union of India through
General Manager,
West Central Railway,
Indra Market,
Jabalpur (MP).
2. Chief Personnel Officer,
West Central Railway,
JDA Building, Civic Centre,
Jabalpur (MP).
3. Divisional Railway Manager,
West Central Railway,
Kota Division,
Kota.

... Respondents

(By Advocate : Shri Anupam Agarwal)

ORDER**PER HON'BLE MR. M.L.CHAUHAN**

The respondents took steps for filling-up seven posts of Rajbhasha Adhikshak in the pay scale of Rs.6500-10500 and for that purpose they issued a notification dated 19.6.2006/22.6.2006 (Ann.A/2) alongwith the eligibility list (Ann.A/3), in which, name of the applicants were also included. Pursuant to the said notification, the applicants, alongwith others, appeared in the written test held on 22.7.2006. Grievance of the applicants in this OA is that question Nos.4&5, carrying 20 marks, were out of syllabus and thus immediately after the written test, ~~held~~ on 24.7.2006, they submitted a representation to the authorities. They also moved the present OA before this Tribunal immediately after declaration of the result in which five persons were shown to have qualified the written test on merit and two on the relaxed standards. When the present OA was listed on 11.8.2006, while issuing notices to the respondents, this Tribunal further ordered that appointment, if any, to the post of Rajbhasha Adhikshak pursuant to written examination held by the respondents shall be subject to the decision of this OA. The applicants have prayed that the question paper dated 22.7.2006 (Ann.A/1) be quashed and the respondents be directed not to proceed further for preparing any panel of Rajbhasha Adhikshaks on the basis of aforesaid written test.

2. Notice of this application was given to the respondents, who have filed their reply. In the reply the respondents have stated that the main work of Rajbhasha Adhikshak is to make translation from Hindi to English and vice-versa. Therefore, asking of synonyms cannot be said to be out of syllabus or not as per the requirement of the post. It is further stated that syllabus at such a level is not expected to cover every detail and intricacies of the examination. It is required to have broad based details as per the need of the post. Thus, no fault can be found in asking the synonyms in the question paper. It is

further stated that it is not the word meaning rather the synonyms has been asked. The respondents have further stated that it is prerogative of the official respondents to judge the suitability as per their requirement. Therefore also, no fault can be found in making the question paper, as alleged by the applicants. The respondents have further pleaded that the allegations of favoritism and nepotism in respect of selection are without any substance and cannot be accepted. It is further stated that the applicants took a calculated chance to appear by the examination but when they could not succeed in the examination, they have levelled unnecessary allegations to make out the grounds which cannot be accepted. The respondents have also placed on record a copy of the order dated 28.7.2006 (Ann.R/1) according to which seven persons have qualified the examination.

3. The applicant has also filed rejoinder thereby reiterating the submissions made in the OA.

4. We have heard learned counsel for the parties and gone through the material placed on record. The sole contention raised by learned counsel for the applicants in order ~~or~~ ^{to} substantiate his plea is that question Nos.4&5 were out of syllabus. Learned counsel for the applicants has drawn our attention to Anns.A/4 & A/5. Ann.A/4 is the guidelines/syllabus in respect of the post of Rajbhasha Adhikshak, whereas Ann.A/5 is the syllabus in respect of the post of Rajbhasha Officer. Learned counsel for the applicants has drawn our attention to para-5 of Ann.A/5, whereby in the syllabus prescribed for the post of Rajbhasha Officer, translation from Hindi to English and synonyms have been incorporated, whereas no such condition was incorporated in the syllabus prepared for the post of Rajbhasha Adhikshak vide Ann.A/4. Based on these facts, learned counsel for the applicants argued that question Nos.4&5 were out of syllabus. As such, the question paper (Ann.A/1) may be quashed.

5. We have given due consideration to the submission made by learned counsel for the applicants. We are of the view that the applicants are not entitled to succeed on this ground. Admittedly, as per question Nos.4&5, the candidates were asked to give synonyms of Hindi & English words mentioned therein. The selection was being made for the post of Rajbhasha Adhikshak and the main work for the said post is to make translation from Hindi to English and vice versa. Thus, it cannot be said that question Nos.4&5, whereby the applicants were asked to give synonyms of Hindi & English words, were not in conformity with the requirement of the post and thus out of syllabus. It is for the employer to lay down the criteria for the purpose of suitability for a particular post commensurate with the requirement of that post. Thus, it is not permissible for us to interfere in such a matter.

6. That apart, the respondents alongwith the reply have annexed the result of the qualified candidates vide Ann.R/1. The applicants have not impleaded those persons who have succeeded in the examination as party respondents in this OA, who may be affected in case the question paper (Ann.A/1) is quashed. It was permissible for the applicants to amend the present OA and to implead those persons as party respondents when this fact came to their notice after filing reply by the respondents. It is settled position that no relief can be granted in favour of a person without ^{hearing} ~~hearing~~ the affected parties. On this ground also, the applicants are not entitled to get any relief.

7. The matter can yet be examined from another point. The examination was held on the basis of question paper (Ann.A/1). The applicants as well as other eligible persons ~~were~~ appeared in the said written test on the same set of papers but some of them have qualified the examination and the applicants have declared failed. Admittedly, the applicants as well as other persons have been adjudged on the same standard, whereas some of the candidates have qualified and the applicants have failed. Thus, the applicants cannot be

heard to say at this stage that the question Nos.4&5 were out of syllabus.

8. For the foregoing reasons, we are of the view that the present OA is bereft of merit and the same stands dismissed accordingly. No order as to costs.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

M.L.Chauhan
(M.L.CHAUHAN)
MEMBER (J)

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