

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
BENCH, ALLAHABAD

(This the 19<sup>th</sup> Day of September 2018)

Hon'ble Mr. Gokul Chandra Pati, Member (A.)  
Hon'ble Mr. Rakesh Sagar Jain, Member (J)

Original Application No. 330/00332 of 2015  
(U/S 19, Administrative Tribunal Act, 1985)

Dharm Veer Singh S/o Brahm Singh, R/o Village and Post Thawaipur,  
B.P Ganj, District Gorakhpur.

..... Applicant

By Advocate: Shri A.B Singh

Versus

1. Union of India through Ministry of Railway, Govt. of India, Railway Board, New Delhi.
2. General Manager, North Eastern Railway, Gorakhpur.
3. Assistant Personnel Officer, Railway Recruitment Cell, North Eastern Railway, Gorakhpur.

..... Respondents

By Advocate: Shri S.B Singh

ORDER

Delivered by Hon'ble Mr. Rakesh Sagar Jain, Member (J)

1. The case of applicant Dharam Veer Singh in short is that he took part in the selection process for appointment in Group 'D' post advertised by respondents and was informed that his candidature had been cancelled on the ground of tempering with the OMR sheet. Applicant seeks the following reliefs:

"(i) to set aside the order of publication of the result of the petitioner dated 8.7.2014 annexure No. 5 compilation No.1 with regard to the petitioner at Serial No. 28 in the list.

- (ii) to issue the writ of mandamus commanding the respondents to declare the result of the petitioner as he has been finally selected for appointment of the Group D post.
  - (iii) to issue the writ of mandamus commanding the respondents to produce the OMR sheets of the petitioner and passed the necessary order/direction after verification of the same as there is no tempering by the petitioner at all with the OMR sheets, it is the fake allegation made in the remarks column".
2. Respondents in their counter affidavit took the plea that the applicant tempered with the ORM sheet by way of erasing in question No. 148 and therefore his action violates the examination procedure and his candidature had been cancelled.
  3. We have heard and considered the arguments of the learned counsels for the parties and gone through the material on record.
  4. The OMR sheet was produced in the Tribunal and the copy of same has been placed on record. The OMR sheet of applicant shows that in question No. 148, the applicant has marked two options in the given answer. Condition No. 10 of the instructions issued by respondents are very clear that 1/3<sup>rd</sup> of the allotted mark will be deducted for every wrong answer/multiple answer. This is the procedure which should have been followed by the respondents rather than cancelling the candidature of applicant.
  5. In view of the facts and circumstances of the case, the order dated 8.7.2014 (Annexure No. 5) passed by respondents is set aside to the extent of disallowing the candidature of

applicant for tempering with the OMR sheet. Respondents are directed to consider the candidature of applicant for appointment to Group 'D' post in accordance with rules and regulations within a period of one month from the date of receipt of this order. O.A. is accordingly allowed. No order as to costs.

[Rakesh Sagar Jain]  
Member-J

[Gokul Chandra Pati]  
Member-A

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