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**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**



O.A 350/1172/2013

Date of Order: 30.11.2017

Coram: Hon'ble Manjula Das, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Baby Kaviraj (Gupta), aged about 52 years, wife of Sri Rathin Gupta, working as Rajabasa Superintendent under Chief Commercial Manager, Eastern Railway, Calcutta and residing at Surya Sen Street, Nabapally, Barasat, District 24-Parganas (North):

---Applicant

-Versus-

1. Union of India, service through the General Manager, Eastern Railway, 17, N.S. Road, Fairlie Place, Kolkata 700001.
2. The Chief Personnel Officer, Eastern Railway, 17, N.S. Road, Fairlie Place, Kolkata 700001.
3. The Chief Personnel Officer (A), Eastern Railway, 17, N.S. Road, Fairlie Place, Kolkata 700001.
4. Motilal Paswan (SC), Rajbhasa Adhikari, in the office of Divisional Railway Manager, Eastern Railway, Sealdah Division, Sealdah, Kolkata-700035;

--Respondents.

For the Applicant : Mr. P.C Das, Counsel

For the Respondents : Mr. B.L Gangopadhyay, Counsel

ORDER(Oral)

Per :Mrs. Manjula Das, Judicial Member:

The applicant approached CAT seeking the following reliefs:

- a) To pass an appropriate order directing upon the respondent authority to reassess the answer scripts of the applicant vis-a-vis the answer script of the private respondent no.4 in respect of written test for formation of panel of 'Rajbhasa Adhikari' (Rajbhasa Section) of Eastern Railway, Part I and to assess the appropriate marks in favour of the applicant who has made right answers against the question papers in the Written Examination conducted by the Eastern Railway for Rajbhasa Adhikari in connection to the notification dated 26.2.2011 by a competent and expert (Hindi) Examiner and to publish a fresh result awarding the appropriate marks in favour of the applicant and if the

applicant found suitable and got the higher marks than the private respondent then she should be given promotion to the post of Rajbhasa Adhikari with effect from the date when the private respondent has got the same.

b) To pass an appropriate order directing upon the respondent authority to produce the entire records relating to the Written Examination conducted by the Eastern Railway for Rajbhasa Adhikari as well as answer-scripts of both the applicant and the private respondent in connection to the notification dated 26.2.2011. "

2. We have heard ld. counsel for both sides and perused the pleadings and materials placed on record. Ld. counsel Mr. P.C Das appearing on behalf of the applicant submits that in pursuant of the notification dated 26.2.2011, the applicant appear in the written test for the post of Rajbhasa Adhikari (Rajbhasa Section) against the vacancies in the written examination. She got lesser marks than that of the private respondent no. 4. Ld. counsel for the respondent submitted that the department/authority has rightly assessed the answer script in the selection process as per law and hence no interference of the Tribunal is required in the matter. It was further submitted by the ld. counsel for the respondents that 2 posts against the UR vacancies have already been filled up and 1 SC posts has already been filled up by a SC Candidates and there is no post left.

3. Ld. counsel for the applicant has drawn our attention to Page 54 i.e the answer script which was made available on being applied through RTI. He further submitted that despite of giving correct answer, she has not been given proper marks. We find that the answer script is in Hindi version, therefore, we deemed fit and proper to send the matter to the Department to enable them to give an opportunity to the expert to examine her papers.



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4. The respondents are directed to get the answer script evaluated by a Hindi expert. This entire exercise shall be carried out within a period of 2 months from the date of receipt of this order.

5. With the above direction and observations the O.A stands disposed of. No costs.

(Dr. Nandita Chatterjee)
Member (A)

(Manjula Das)
Member (J)

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