

(Reserved on 17.12.2018)

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD
Original Application No. 330/01684/2015**

This the **19th** day of **December, 2018**

**HON'BLE MS. AJANTA DAYALAN, MEMBER (A)
HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)**

Subas Chandra Gautam, Son of Late Budhi Ram, R/o Village - Malsil, Post Office - Mehandi, District - Jaunpur.

.....Applicant

By Advocate: Shri Indra Dev

Versus

1. Union of India through the Secretary, Government of India, Ministry of Railways, New Delhi.
2. Senior General Manager, North Central Railway, Subedarganj, Allahabad - 211015.
3. General Manager, 001, Saraswati Parisar, Headquarters Subedarganj, Allahabad - 211015.
4. Assistant Personnel Officer (Recruitment), Uttar Pradesh, Railway, Subedarganj, Allahabad - 211015.
5. Chairman, Railway Recruitment Cell, N.C. Railway, Nawab Yusuf Road, Allahabad.

.....Respondents

By Advocate : Shri R.K. Rai

ORDER

DELIVERED BY:-

HON'BLE MS. AJANTA DAYALAN, (MEMBER-A)

The present original application has been filed by the applicant Subas Chandra Gautam seeking direction to the respondents department to give appointment to him as candidates getting less marks than him have been given appointment.

2. The case of the applicant is that he applied for Group 'D' post against the vacancies advertised by the department and appeared for the written test on 23.11.2014. His roll number was 1410298552. According to him, 68 out of total 100 questions were correct. In response to RTI query, he came to know that candidates with lesser marks have been appointed whereas the applicant was declared unsuccessful. He pleads that by denial of appointment, irreparable loss has been caused to him.

3. The respondents have stated that the applicant failed to fill his roll number correctly while filling bubbles in the OMR sheet and as such, the computer system did not evaluate the same. They have also stated that this is in violation of instructions on the back side of the OMR sheet at Sl. 4, 9 and 13 as well as the instructions under the head of "Important" of Employment Notification No. 01/2013. It is also averred that once the applicant has not filled his correct roll number in the OMR sheet, it is not possible for the respondents to get his answer sheet evaluated by the computer system.

4. The applicant has pleaded that there was a mismatch in his filling of his roll number. He pleads that while he filled up the roll number correctly in words, there was a mistake in filling of same in digits. This being a minor error on his part, the respondents could have taken out his answer sheet and got it checked and got the same evaluated. According to the respondents, such an exercise is not possible considering the computerized system and huge number of candidates.

5. We have heard the learned counsels for both sides and have gone through the pleadings.

6. We observe that sole issue in the instant OA is whether the applicant's answer sheet may be evaluated despite inaccuracy of filling up roll number in the answer sheet. In this case, there is no dispute that the mistake is of the applicant himself. There is also no dispute that the roll number has not been filled up correctly in the answer sheet and there is mismatch in the roll number filled by the applicant in words and in digits. What the applicant is praying for is in fact an effort to get his own mistake corrected by the respondents. This would be obviously difficult especially in an exam relating to the direct recruitment. In any case, this is not legally tenable.

7. It is also not disputed that answer sheet was to be evaluated by a computerized system which basically scans only correct and complete OMR sheets. The roll number is filled in the OMR sheet through darkening of the correct circles so the reading of the roll number filled in is also done through computerized system. It is this sheet which contains the roll number with darkened circles as well as answers to the questions with darkened circles that is scanned by the computer system and the answer sheets get evaluated. It would therefore, be next to impossible to delink the two and correct any mistake in filling up the roll number by the candidate. Thus, the computer system does not allow for any correction to be made in roll number through a separate or subsequent process by any body.

8. Besides this technical issue, we also note that the examination was held on 23.11.2014. It is therefore, felt that the selection process would have by now been over and it would not be prudent to interfere with it at this belated stage.

9. Also the argument of the applicant that persons with lesser marks have got appointment does not hold good as the applicant was not declared successful on the basis of his marks. In fact, his answer sheet was never evaluated and the marks he is taking as the basis is only his self evaluation. He was not declared successful due to incorrect filling up of his roll number and mismatch of roll number in digits and words.

10. In view of the all above, we do not find much merit in the OA and it is dismissed. No costs.

(RAKESH SAGAR JAIN)
MEMBER-J

(AJANTA DAYALAN)
MEMBER-A

Anand...