IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD

Original Application No. 435 of 2013

Reserved on: 13.02.2019

Pronounced on: 22.02.2019

Between:

B. Ganapathi Rao, S/o. B.V. Ramana,
Aged about 29 years, R/o. Rajivnagar colony,
Near Petrol Bunk, Kesava Rao Peta,
Etcherla Mandal, Srikakulam district – 532402.

… Applicant

And

1.   Union of India, Ministry of Railways,
        Rep. by its Chairman,
        Railway Board, New Delhi.

2.   Assistant Secretary (PIO),
        Railway Recruitment Board,
        South Lalaguda, Secunderabad – 500 017, A.P.

3.   The Chief Personnel Officer,
        South Central Railway, Secunderabad – 500071.

… Respondents

Counsel for the Applicant   …   Mr. K. Sudhakar Reddy
Counsel for the Respondents   …   Mrs.Vijaya Sagi, SC for Rlys

CORAM:
Hon'ble Mr. Justice R. Kantha Rao, Member (Judl)
Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORDER
{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.) }

 2.   Applicant through the OA filed is seeking a direction to call for the

records pertaining to the aptitude test held on 06.10.2012 pursuant to the

Centralized Employment Notice No. 01/2011 dt.13.08.2011 issued for

recruitment to the post of Asst. Loco Pilot and declare that he is entitled for

appointment to the post of Asst. Loco Pilot.

3.   Applicant has responded to the Centralized Employment Notice No. 01/2011 dt.13.08.2011 issued by the respondents for recruitment to 3000 posts of Asst. Loco Pilot. The selection process involves written test, followed by aptitude test and thereafter, document verification. Candidates who clear the written examination appear for the aptitude test. Applicant qualified in the written test held on 15.07.2012 as per the results declared on 23.08.2012. He secured, as per the applicant's version, 96 marks out of 120. Thereafter, the applicant was called for aptitude test which was held on 06.10.2012. The respondents issued the list of qualified candidates who go through the aptitude test and in that list, the applicant's name did not figure. Therefore, he sought information regarding marks through RTI. However, it was not furnished on grounds that furnishing marks will be violating the trust of other candidates reposed in Railway Recruitment Board. Therefore, not being informed of the marks secured by him and rejecting his request led to the filing of the OA.

4.   The contentions of the applicant are that he has done well in the aptitude tests. Not furnishing the marks under RTI on flimsy grounds is arbitrary. Initially, 1450 posts were announced and thereafter, number was increased to 3000 posts. Among the 5442 candidates who appeared for the aptitude test, only 850 candidates belong to Andhra Pradesh, which is negligible when compared to those selected from Bihar. Thus, the applicant alleges that there is regional and linguistic bias while selecting candidates.

5.   Respondents in their reply confirm that the Railway Recruitment Board has initially notified 1340 vacancies, which were increased to 3378 with the approval of the competent authority. It conducts selection in a transparent and fair manner without bias on linguistic or regional considerations, to various

posts in Railways.   Those candidates who clear the written test appear in the aptitude test. The aptitude test was conducted from 20.09.2012 to 11.10.2012 in batches and results were declared on 02.01.2013. Based on the performance in the written test and aptitude test, 2532 candidates have been empanelled. Applicant has secured 41 marks out of 120 in the written exam, which works out to 34.17% and not 96 out of 120 as claimed. Therefore applicant was allowed to appear in the aptitude test as per relaxed standards applicable to OBC category. Applicant appeared for the aptitude test held on 06.10.2012 in which he was disqualified. Resultantly, applicant was not empanelled and hence OA requires to be dismissed.

6.   Heard both the counsel and perused the documents. Submissions made were in tandem with the written submissions made. We have gone through the documents and the material papers submitted. After carefully considering the submissions made we have the following to observe:

7   I)   When the case came up for hearing on 08.10.2018 and 20.11.2018, respondents were advised to furnish information as to how the marks are allotted for psycho tests, cut off mark, results furnished by RDSO, etc. As directed, respondents submitted an additional reply furnishing the details sought for.

II)   Respondents selected candidates as per the notification based on the written examination and aptitude test. Aptitude test is conducted on various psychological parameters. Learned counsel for the respondents produced the records of the marks secured by the candidates in the cited examination. Applicant secured 41 marks out of 120 in the written examination and this works out to 34.17% which is higher than the cut off percent of 30.75 fixed under relaxed standards for OBC candidates. Therefore, he was permitted to appear for the aptitude test. Learned counsel for the applicant made a submission that since

the last OBC candidate got 30.75% and that the applicant got 34.17%, the later should have been selected. However, the rule is that the applicant has to first pass the written examination and thereafter, if he clears the aptitude test, he would be selected and not just on passing the written test. In the present case, the applicant has cleared the written test by securing 34.17% against the minimum percentage of 30.75 fixed for OBC candidates. Thus, he cleared the written test and only got qualified to appear for the aptitude test, but not for selection to the post.

III)   Further, respondents adopted T-Score methodology in evaluating the candidates who appeared in the aptitude test.   T-scores are standardised scores on each dimension for each type. The range of the T score is 20 to 80. A score of 50 represents the mean. The difference of 10 from the Mean indicates a difference of one standard deviation. Thus, a score of 60 is one standard deviation above the Mean while a score of 30 is two standard deviation below the Mean. T-score is one form of standard test statistics. It is based on Inference statistics and brings out the relative merit of the candidates in psychometric tests. Candidates were tested against 5 psychological parameters namely, Picture Number test, Following Directions, Depth Perception, Number Matching and Perceptual Speed. All these tests together form a test battery. Marks secured by the candidate in each of the test are converted into T-score.

IV)   T-score is calculated using the formula, $\mathbf{T=50+10}\left(\frac{(Score\ -Mean\ )}{SD}\right)$, where SD stands for Standard Deviation and score represents actual marks obtained by the candidate. The range of the T-Score as stated by the respondent is 20 to 80. As per the Railway Board letter No. 2004/Safety-I/28/4 Pt, dt. 15.07.2009 the cut off T- score to be obtained by a candidate to get through the aptitude test is ≥ 42. By plugging in the raw scores secured by the applicant in

each of the test in the formula cited, we get T-scores which are furnished by the respondents as under:

Code No. 17067	Test 1	Test 2	Test 3	Test 4	Test 5
Name of the test used	Picture Number Test (PNT)	Following Directions (FD)	Depth Perception (DP)	Number Matching (NM)	Perceptual Speed (PS)
Marks obtained	35	5	26	67	50
T- Score	51	48	37	58	53

As per the above table, the applicant secured T-score of 37 in Test 3 against the require T-score of 42. A candidate who gets T- score of not less than 42 in all the 5 tests will make it to the panel. As applicant got less T-score in test -3, he was not empanelled.

V)   Besides, only when a candidate secures a minimum T-score of 42 in each of the aptitude test, then the calculation of marks out of 30 for aptitude test is done to assess the relative merit in the OBC category. Applicant did not qualify in Test -3 and hence the question of calculating weightage marks for aptitude test out of 30 does not arise. Ld. Counsel for the applicant candidly admitted that he did not understand the concept of having weightage marks out of 30 for the aptitude test when the T Score has already been fixed to determine whether the candidate is in or out of selection. From the records submitted that the aptitude test is like a hurdle chase in athletic competition. Only when you clear the first hurdle then you get qualified to be considered for the second hurdle and so on. Applicant did not overcome the first hurdle of getting T score of greater than or equal to 42 and therefore evaluating him in the next hurdle is of no consequence. Therefore the respondents stand that they did not calculate the score in question. However, to allay the doubts raised, material papers

submitted by respondents have made it explicit that a candidate must qualify in the aptitude test for final selection. After conducting the aptitude test, final merit order will be prepared by adding the aptitude test marks to 70% of the written examination marks. In other words, as there is a weight age of 30 to the aptitude test, a composite score is calculated. In statistics, and particularly psychometrics, **composite scores** are calculated from data in multiple variables in order **to** form reliable and valid measures of latent, theoretical constructs. The variables which are combined **to** form a **composite score** should be related **to** one another. An example of a **composite** measure is an IQ test, which gives a single **score** based on a series of responses to various questions. So too the present one conducted under the aegis of RDSO. Officer who appeared on behalf of RDSO has informed that they have taken the composite T score, as the sum of the T scores obtained by the applicant which comes to 247. The maximum T score per test is 80 and for 5 tests it turns out to be 400. Against 400 maximum T score applicant got 247 and therefore for 30 it will be 30 X 247/400 = 18.525. This is definitely higher than the composite score of 16.20 scored by the last selected OBC candidate. However, the catch is that the candidate should get a T score greater than or equal to 42 in all the 5 tests for being eligible to be assessed in the next level of composite score. Applicant got T score of 37 in test-3 and therefore declared unsuitable in the aptitude test albeit he got more than the score secured by the last candidate selected under OBC category in regard to composite score, which is irrelevant to the issue as explained. In fact the minimum composite score, taking the qualifying T Score of 42 for each test would work out to be 15.75. Nevertheless, we see that the OBC candidates' performance has been above the minimum with 16.20 scored by the last OBC candidate. T scores measure relative performance of the candidates. Applicant

may feel that he has performed well but relatively his performance will pale into insignificance when there are meritorious candidates in the list who have fared better than him. That is the beauty of T and composite scores.

VI)   It is not out of place to state that the aptitude test conducted by the Research Design and Standards Organization (RDSO), which is a reputed wing of the respondents organisation, is transparent, fair and objective with required reliability and validity. RDSO has been entrusted with the responsibility to design psychological parameters as required for safety category jobs.   The examination is conducted by RDSO through their nominated officers and final scores of the aptitude test are made available to the candidates who clear the aptitude test and not to those who do not clear. The reason is that the respondents are apprehensive that the information regarding unqualified candidates could be used for unscrupulous purposes marring the image of RDSO. Hence they denied the information even under RTI to the applicant. Respondents categorically state that the examination system is fair since it involves objective type questions which are automatically evaluated using computer systems. Indian citizens are eligible to apply for the posts advertised by the Railway Recruitment Board as per the conditions laid in the notification. RRB does not maintain or try to compile information on the basis of region or on community lines except for the sake of providing statutory reservations meant for OBC, SC and ST candidates. Therefore, the question of any bias based on region or language does not arise. The applicant has not substantiated his allegation levelled with regard to regional or linguistic bias. Hence the allegation lacks sting. Respondents have conducted the aptitude test to all candidates in a similar manner and uniformly. There is no discrimination.   The Honourable Ernakulam Bench of this Tribunal in OA 642/2011 has dismissed a similar issue on grounds that the process of selection

using T score adopted by the respondents was correct and required no tinkering with the same.

VII)   Based on the aforesaid facts, as the applicant was not qualified in Test- 3 prescribed in terms of T-Score in the battery of aptitude test, he is ineligible. The action of the respondents is correct and is as per extant rules in vogue. OA 642/2011 of Honourable Ernakulam Bench of this Tribunal covers the case. We, therefore, do not find any merit in the OA. Hence, the OA is dismissed. There shall be no order as to costs.

(B.V. SUDHAKAR)   **(JUSTICE R. KANTHA RAO)**
MEMBER (ADMN.)   **MEMBER (JUDL.)**

Dated, the 22nd day of February, 2019
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