

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD**

**Original Application No. 683 of 2013 & MA 548/2013**

**Reserved on: 22.01.2019**

**Pronounced on: 26. 04.2019**

Between:

V. Emmanuel, S/o. V. Jeevarathnam,  
Aged about 38 years, Working as Peon,  
In the O/o. RPF Head Quarters,  
South Central Railway, Secunderabad.

... Applicant

And

1. Union of India, Rep. by its  
Inspector General cum Chief Security Commissioner,  
Railway Protection Force, South Central Railway,  
Rail Nilayam, Secunderabad.
2. The Divisional Security Commissioner,  
Railway Protection Force, Hyderabad Division and  
The Chairman of the Selection Committee,  
South Central Railway, Hyderabad Bhavan, Secunderabad.
3. H. Naga Malleswari, Peon, Guntur Divisional Office,  
Security Branch, Guntur.

... Respondents

Counsel for the Applicant ... Mr. J.M. Naidu

Counsel for the Respondents ... Mr. M. Venkateswarlu, 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. The OA is filed challenging the conduct of the examination on 16.5.2013 in pursuance of the notification dated 20.9.2013 issued to fill up the posts of Junior clerks against 33 1/3 % non-matriculate quota in contravention of Railway Board order dated 21.9.2004.

3. Applicant while working as Jamadar Peon appeared in the written test held on 16.5.2013 which was conducted against the notification issued on 20.9.2013 to fill up the posts of Junior Clerks along with 5 others. According to Railway Board letter dated 21.9.2004 the exam has to be conducted with 50% of the questions to be of objective type for selection to higher grade selection posts and 25% in respect of other posts. Respondents gave questions which were in the long form instead of being objective type. Besides, as per proceedings dated 10.5.2013 only 6 candidates were shortlisted to appear in the exam but the 3<sup>rd</sup> respondent was irregularly permitted to appear in the exam.

4. The contentions of the applicant are that the exam was not conducted as it should be as per Railway Board orders. Respondents have allowed an ineligible candidate to appear in the exam. Model question papers were not circulated before the exam.

5. Respondents inform that a notification was issued to fill up 2 posts of Junior Clerk-cum-Typist from the Group D staff against 33 1/3% non matriculate quota. The selection is by way of written test for 85 marks and for record of service 15 marks. Candidate should get a minimum of 60% to qualify and based on merit selection is done. Written test is of 3 hours to test the standards of proficiency. Proceedings were issued on 10.5.2013 allowing 6 candidates and another proceeding by the first respondent advising the 2<sup>nd</sup> respondent to allow the 3<sup>rd</sup> respondent to appear in the exam since her application was received in time but was inadvertently omitted. Accordingly proceedings dated 13.5.2013 was issued. Based on the exam results the 3<sup>rd</sup> respondent was selected. The Railway Board letter dated 21.9.2004 details about the selections conducted for promotion within Group C category and not for

promotion from Group D to Group C. The present selection has been done as per Railway Board order dated 22.9.2003.

6. Heard the counsel and went through the documents and material papers submitted.

7. Two issues have been raised by the applicant in the OA. First one is related to allowing the 3<sup>rd</sup> respondent to appear in the exam irregularly. As seen from the records the name of the 3<sup>rd</sup> respondent was inadvertently omitted and on verification proceeding dated 13.5.2013 was issued, as her willingness letter to appear in the exam was received before the cut off date 1.12.2012. Such a decision is well within the powers of the respondents. Hence there is no infirmity in the decision of the respondents. The second one is in regard to the question paper to be set for the exam. Applicant has stated that it should be as per Railway Board letter dated 21.9.2004 which in fact deals with the promotions within Group C category. The selection for promotion from Group D to Group C is governed by Railway Board letter dated 22.9.2003 ( RBE 165/03) wherein it is clearly laid down that as per IREM Advance Correction Slip 154,

“the written test will consist of one paper of 3 hours duration divided into 2 parts- Part A to test the working knowledge of the Railway servant of the English language and Part B his general standard of intelligence and proficiency through questions in Arithmetic, General Knowledge mainly pertaining to Railway matters and matters immediately pertaining to the work he has been acquainted with during his railway service. ”

Nowhere, it is mentioned that 50% of questions should be of objective type. Hence the contention of the applicant is incorrect. Respondents have followed the procedure laid down in RBE 165/03 and framed the question paper. 3<sup>rd</sup> respondent has successfully cleared the exam and got selected. The candidate appearing in the exam and after being disqualified complaining about the exam

is against the legal principles laid down by Hon'ble Supreme Court in a catena judgments. It is also observed that the applicant did appear in a similar exam in 2006 but was unsuccessful. However, the fact remains that the applicant was fully aware of the pattern of the exam.

In view of the foregoing, we do not find any merit in the OA and hence it is dismissed with no order as to costs. MA No. 548/2013 shall stand disposed of.

**(B.V. SUDHAKAR)**  
**MEMBER (ADMN.)**

**(JUSTICE R. KANTHA RAO)**  
**MEMBER (JUDL.)**

Dated, the 26<sup>th</sup> day of April, 2019

evr