

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00516/2017

Jabalpur, this Friday, the 13th day of September, 2019

**HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER**

Srajan Raikwar S/o Shri Jai Prakash Raikwar Aged about 36 years, R/o 879/3, Ganga Ram ka Bada Pankaj Health Club, Sarkari Kunwa Road, Ghamapur, Jabalpur (M.P.) PIN 482001 Mo. No.9425619714 **-Applicant**

**(By Advocate –Shri Neeraj Dubey proxy counsel for
Shri Anurag Sahu)**

V e r s u s

1. The Union of India, Through the General Manager of the West Central Railways Indra Market Jabalpur PIN 482001
2. The Railway Recuritment Board Through its Secretary, East Railway Colony, Bhopal (M.P.) PIN 462053
3. The Public Information Officer, Railway Recruitment Board, Bhopal (M.P.) PIN 462053
4. Junior Scientific Officer (Psyco) Central Railway Mumbai C.S.T. PIN Code 400001 Mumbai India

- Respondents

(By Advocate –**Shri Arun Soni**)

(Date of reserving the order: 31.01.2019)

ORDER

By Navin Tandon, AM:-

The applicant is aggrieved that he has not been selected as Assistant Loco Pilot by Railway Recruitment Board.

2. The applicant has made the following submissions:-

2.1 He is a Post Graduate in Mechanical Engineering with specialization in Heat Power Engineering.

2.2 He applied for the post of Assistant Loco Pilot against Employment Notice No.01/2014. He appeared in the written on 15.06.2014, in which he was declared passed. Thereafter, he was called for Aptitude Test on 24.12.2014. He was confident of being selected, but was not selected.

2.3 He sought information from the respondents under Right to Information Act (for brevity “**RTI**”). Respondents supplied information on 19.09.2016 (Annexure A/5) in response to application dated 16.08.2016. Further, in response to application dated

28.09.2016 (Annexure A/1), respondents supplied information on 28.10.2016 and 11.11.2016 (colly. Annexure A/4).

2.4 As per information of Annexure A/5, he has obtained 31.34 marks in written exam and 18.9 marks in aptitude test, i.e. total 50.24 marks. The cut off marks is 47.758 (Annexure A/6) for OBC community. Hence, the applicant should have been selected.

2.5 He is also aggrieved that copy of OMR sheets has not been given to him, as communicated vide letter dated 11.11.2016 (Annexure A/4), which is against the law of the land.

3. The applicant has prayed for the following reliefs:-

“8(i) To issue a Writ/direction in the like nature directing the respondents to provide the documents, as sought by the petitioner in respect of his test appeared before the Railway Recruitment Board Bhopal

8(iii) To call for all the relevant records for kind perusal of this Hon’ble Tribunal;

8(iv) Any other relief's deemed fit on facts and circumstances of the instant case.

8(v) To issue a writ in the nature of Mandamus, commanding respondents to issue the fresh amended list of Roll Numbers, including the name and roll number of the applicant.

8(vi) To dispose of the instant original application, directing the respondents to consider the name of the applicant being eligible from all corners.”

(Note: 8(ii) is not present)

4. The respondents in their reply have submitted as under:-

4.1 This Tribunal is not the appropriate forum to obtain information. If the applicant is not satisfied, he can approach appropriate forum as per RTI Act.

4.2 The applicant has secured 40.838 marks, whereas the last called OBC candidate has secured 44.581 marks. Hence, he was not called for document verification.

4.3 As per Para (iii) of Railway Board's letter No.E(RRB)2003/25/7 dated 04.06.2003 (Annexure R/2), “Out of both the components i.e. Written Test & Aptitude Test for selection for the safety category

the written test will contain 100/110/120/140 questions i.e. maximum marks 100/110/120/140, which would be converted to 70 marks base and Aptitude Test of 30 marks maximum. Marks obtained in written test should be added to marks obtained in Aptitude Test to prepare a combined merit list on basis of total marks of 100.”

4.4 The applicant was informed vide letter dated 19.09.2016 (Annexure A-5) that his “written score was 31.34% normalized marks and 30% of aptitude marks was 18.9. Thus, the 70% marks of written examination comes 21.938 plus aptitude marks $18.9 = 40.838$ was total obtained marks for the post of Assistant Loco Pilot of CEN 01/2014 while the cut-off marks for document verification was 44.581 marks.

4.5 Information about marks obtained by him in Aptitude Test has been communicated to the applicant on 30.09.2016 (Annexure R-10). Regarding

obtaining a copy of the question paper and OMR answer sheet, the same cannot be provided as per orders of Hon'ble High Court of Delhi in WP (C) No.2173/2013 and CM 4120/2013. However, the same is available for inspection. This has been communicated to the applicant through Annexure R-10. However, no one has approached respondent No.4 for inspection of answer sheets.

5. Heard the learned counsel for both the parties and perused the pleadings available on record.

6. The cause of instant Original Application has arisen due to the interpretation of contents of letter dated 19.09.2016 (Annexure A/5) by the applicant.

7. Letter dated 19.09.2016 (Annexure A/5) communicated to the applicant that

(i) The applicant has obtained 31.34% normalized marks in written examination.

(ii) The applicant has obtained 53,42,52,51 and 51T scores in different tests of Aptitude Test, according to which he got 18.9 (30%) marks.

(iii) Combined total of 70% of written exam and 18.9 (30%) marks in Aptitude Test makes a total of 40.838.

(iv) The cut off for various categories is available on website.

7.1 Cut off for OBC candidates as per website is 47.758 (Annexure A/6). Respondents in their reply have stated it to be 44.581.

8. As per the applicant, he has obtained 31.34 +18.9 i.e. a total of 50.24 marks, which is above the cut off for OBC candidates.

9. However, the respondents have explained that the applicant has obtained 31.34% normalized marks. When the same is reduced to a base of 70, it becomes 21.938 marks. Then the Aptitude Test marks of 18.9 are added,

the total becomes 40.838, which is below the cut off level of 44.581.

10. We are convinced with the arguments advanced by the respondents and find that the applicant has scored marks which are less than cut-off. Hence, he cannot be placed in select list.

11. Accordingly, the Original Application is dismissed, as it is without merits. No costs.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

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