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KOLKATA BENCH, KOLKATA**

O.A.No. 350/599/2019

Date of order : 13.06.2019

**Coram : Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Dr. Nandita Chatterjee, Administrative Member**

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**Bikash Sharma, S/o – Sri Ved Prakash Sharma,  
residing permanently at 18/A, Kachari Bari Road,  
Post Office – Kanchrapara, P.S. – Bizpur, Pin –  
743145, Dist. – North 24 Parganas (W.B.). M –  
8420043068/8073203006**

..... **Applicant**

**For the Applicant : Mr B.N.Adhikary, Counsel**

**- Versus -**

- 1. The Union of India**  
Service through the Secretary of Railway Board,  
Ministry of Railways, Govt. of India, Rail Bhawan,  
11, Rai Sinha Road, New Delhi 110001.
- 2. The Chairman of Railway Board (C.R.B.),**  
Ministry of Railways, Govt. of India, Rail Bhawan,  
11, Rai Sinha Road, New Delhi – 110001.
- 3. The Executive Director of Public Grievance  
(P.G.) Cell of Railway Board,**  
Ministry of Railways, Govt. of India, Rail Bhawan,  
11, Rai Sinha Road, New Delhi – 110001.
- 4. The Advisor of Vigilance of Railway Board,**  
Ministry of Railways, Government of India, Rail  
Bhawan, 11, Rai Sinha Road, New Delhi – 110001.
- 5. The Director of Vigilance (E) of Railway  
Board,** Ministry of Railways, Government of  
India, Rail Bhawan, 11, Rai Sinha Road, New Delhi  
– 110001.
- 6. The General Manager / CLW / CRJ /  
Chittaranjan Locomotive Works,**  
Post Office and P.S. – Chittaranjan, Pin 713331,  
Dist. – Paschim Burdwan (W.B.).

7. **The Principal C.P.O (Pr. Chief Personnel Officer) /CLW/CRJ./ Chittaranjan Locomotive Works,** Post Office & Police Station – Chittaranjan, Pin 713331, Dist. – Paschim Burdwan (W.B.).

8. **The Principal C.M.E. (Chief Mechanical Engg.) / CLW/CRJ. / Chittaranjan Locomotive Works,** Post Office & Police Station – Chittaranjan, Pin – 713331, Dist. – Paschim Burdwan (W.B.).

9. **The Secretary to General Manager (G.M.) /CLW/ CRJ./ Chittaranjan Locomotive Works,** Post Office & Police Station – Chittaranjan, Pin – 713331, Dist. – Paschim Burdwan (W.B.).

10. **The Dy. C.P.O (Admn.)**  
Under – (Pr. Chief Personnel Officer)/CLW / CRJ. / Chittaranjan Locomotive Works, Post Office & Police Station – Chittaranjan, Pin – 713331, Dist. – Paschim Burdwan (W.B.).

11. **The Chief Vigilance Officer (C.V.O.),**  
O/o. G.M's Bldgs / CLW / CRJ. / Chittaranjan Locomotive Works, Post Office & Police Station – Chittaranjan, Pin – 713331, Dist. – Paschim Burdwan (W.B.).

12. **The Deputy Chief Vigilance Officer (Dy. C.V.O.),** O/o. G.M's Bldgs. /CLW / CRJ. / Chittaranjan Locomotive Works, Post Office & Police Station – Chittaranjan, Pin – 713331, Dist. – Paschim Burdwan (W.B.).

13. **The A.P.O. (H.Q.),**  
Under – The Principal Chief Personnel Officer) /CLW / CRJ. / Chittaranjan Locomotive Works, Post Office & Police Station – Chittaranjan, Pin – 713331, Dist. – Paschim Burdwan (W.B.).

14. **The A.P.O. (Gazetted),**  
Under – The Principal Chief Personnel Officer) /CLW / CRJ. / Chittaranjan Locomotive Works, Post Office & Police Station – Chittaranjan, Pin – 713331, Dist. – Paschim Burdwan (W.B.).

..... **Respondents**

For the Respondents : Mr. P.Bajpayee, Counsel

**ORDER (ORAL)****Justice L. Narasimha Reddy, Chairman:**

Chittaranjan Locomotive Works, through its Pr. Chief Personnel Officer (7<sup>th</sup> Respondents herein), initiated steps for selection and appointment of Assistant Mechanical Engineers. The procedure involved conducting of examination consisting of two papers for 150 marks each. Eligible candidates, who secured minimum of 90 marks in each were required to be considered for selection. The examination was conducted on 11<sup>th</sup> and 12<sup>th</sup> of November, 2016. The applicant secured 86 marks in the first paper and 97 marks in the second paper. Since, he failed in the first paper, he was not considered for selection. The applicant obtained copy of the answer script, as evaluated by examiner, by filing application under Right to Information Act, 2005. On finding that question Nos. 2 and 3 were for 10 marks each but were evaluated by the examiner as if they were for 5 marks each, the applicant made representation on 12.03.2017 and 17.05.2017. This was followed by a legal notice to the Respondents. The grievance of the applicant is that no steps were taken thereon. The applicant contends that had the evaluation been done properly, he would have been found eligible to be considered. It is stated that a gross injustice has been done to him.

2. Heard Mr. B.N.Adhikary, learned counsel for the applicant, and Mr. P.Bajpayee, learned counsel for the respondents, at the stage of admission, at length.



3. The applicant took part in the written test, conducted on 11<sup>th</sup> and 12<sup>th</sup> of November, 2016, for the purpose of selection of candidates for appointment to the post of Assistant Mechanical Engineer. It is not in dispute that the applicant was awarded 86 marks in the first paper. He falls short by 4 marks for the minimum. The case of the applicant is that he has been awarded 2 out of 5 marks for question No.2 and 3 out of 5 marks for question No.3 and had the examiner taken both questions as 10 marks each, he would have got the benefit of 5 marks, in which case, he would have crossed the minimum criteria.

4. The issue as to whether two questions, mentioned above, carried 10 marks each and, if so, the evaluation was made for 5 marks each, needs to be examined by 7<sup>th</sup> Respondent. If, what is pleaded by the applicant is true, necessary corrective measures need to taken. We cannot express definite opinion at the stage. We, therefore, dispose of this O.A. directing the 7<sup>th</sup> Respondents to pass appropriate orders on the representation dated 12.03.2017 submitted by the applicant duly calling for the relevant record within a period of six weeks from the date of the order. There shall be no order as to costs.

**(Dr. Nandita Chatterjee)**  
**Administrative Member**

**(Justice L. Narasimha Reddy)**  
**Chairman**