

CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH
KOLKATA

Original Application No. 350/01511/2015

Present : Hon'ble Mr Justice Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms Jaya Das Gupta, Administrative Member

Chiranjit Bhattacharjee

.....Applicant

-Vs-

Union of India & Ors. (RRB, Metro Railway)

.....Respondents

For the petitioner : Mr B.N. Adhikari, Counsel

For the respondents : Mr A. K. Guha, Counsel

Date of Hearing : 30-03-2016.

Date of Order : 01-04-2016

ORDER

JUSTICE V. C. GUPTA, JM:

The present O.A has been filed under Section 19 of the Administrative Tribunals Act 1985 praying for cancellation of the panel of Junior Engineer, to enquire the matter by CBI and to prepare a fresh panel of Junior Engineer.

2. The brief facts for deciding this case are that the applicant Chiranjit Bhattacharjee appeared in the written examination held by RRB in pursuance to advertisement No. CEN 02/2014 JE dated 26.09.2012. The applicant applied for the post of Junior Engineer. He appeared in the written examination held on 14.12.2014. Thereafter, a list was published on 10.04.2015 containing the names of candidates who were called for documents verification. When he found that his name was not in the select panel, he made a representation on 20.04.2015 for inclusion of his name in the panel of selected candidates. When representation was not decided the applicant filed an Original



Application before this Tribunal being O.A.No. 350/00789/2015 claiming for the similar reliefs as the applicant has claimed in this application. The application was disposed of vide order dated 03.06.2015 without expressing any opinion on the merit by directing the respondents to decide the representation of the applicant within 2 months under intimation to the applicant. When this order was not complied with the applicant filed a Contempt Petition having numbered as CPC 350/00126/2015, which was dismissed on 01.09.2015 after observing that the order should be complied with within 10 days. Thereafter, respondents decided the representation of the applicant vide order dated 03.09.2015, a copy of which has been produced, which is extracted herein below :

"No. RRB/CAL/Court/New/419/OA 350/00789 of 2015

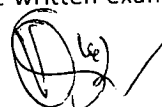
Dated 03.09.2015

Shri Chiranjit Bhattacharjee
Roll No. 2109047
S/o Chandan Bhattacharjee
At Village+Post Nawpara
P.S. Ranaghat, Dist – Nadia,
West Bengal – 741255.

Sub : Speaking Order in compliance with the directives of the Hon'ble Central Administrative Tribunal, Calcutta Bench passed in O.A.No. 350/00789/2015 dated 03.06.2015 and order dated 01.09.2015 in MA No.350/00347/2015 and CPC No.350/00126/2015 in the matter of Chiranjit Bhattacharjee vs. Union of India & Ors.

"In compliance with the order dated 03.06.2015 passed by the Hon'ble Central Administrative Tribunal, Calcutta Bench in O.A.No. 350/00789/2015 and order dated 01.09.2015 in MA No.350/00347 of 2015 arising out of O.A. No.350/00789/2015 and CPC No.350/00126/2015, I being the Respondent No. 15 in the instant matter have carefully examined your representation dated 20.04.2015 copy of which was annexed as A-6 at page-62 in OA No. 350/00789 of 2015.

1. You had submitted on-line application for the post of Junior Engineer Group Grade Pay Rs.4200/- in response to notification issued by Railway Recruitment Boards against Centralised Employment Notice No. CEN 02/2014 and you opted for RRB/Kolkata. Your candidature was accepted for the categories 43, 46, 50, 51, 54, 56, 62, 63, 71, 72 and 76.
2. You were allotted with Roll No. 2109047. You appeared at the written examination for the post of Junior Engineer on 14.12.2014 conducted by Railway Recruitment Board/Kolkata as an unreserved candidate.
3. In the written examination you attempted 95 questions out of 150. A statement indicating your performance in the written examination as



well as normalised marks obtained in the written examination for the post of Junior Engineer against CEN No. 02/2014 is furnished in a tabular form for ready reference.

Questions attempted	Questions Not attempted	Correct answer	Wrong answer	Negative Marks	Marks Obtained (out of 149)	Marks out of 150	Normalised marks
95	55	54	40	13.33	40.67	40.94	53.85

As per your OMR Sheet, you have attempted 95 questions but actually it has been shown 94 attempted (54 correct answers + 40 wrong answers) questions because 01 question (serial No.73) was wrong. You had attempted question no. 73 and the same has been treated as un attempted question. Accordingly you obtained 40.67 marks out of 149. Thereafter, marks has been converted into 150 and your actual marks comes to $(40.67/149) \times 150 = 40.94$. After normalisation, your marks is 53.85 which has also been reflected in the above table.

4. The cut off marks for unreserved candidates against each category for the post of Junior Engineer against Centralized Employment Notice No. 02/2014 as stated in item 1 is appended below.

Catg.No	43	46	50	51	54	56
Cut off Marks	109.02	107.33	109.02	106.24	106.05	114.99

Catg.No	62	63	65	71	72	76
Cut off Marks	112.60	113.00	109.66	110.00	109.00	119.11

The candidates who scored more than or equal to the normalised cut off marks as stated above against each category for the post of Junior Engineer were called for verification of documents. You did not score the minimum normalised marks in the written examination for the post applied which may also be verified from the above table.

5. Since you did not score the normalised cut off marks in the written examination for the post of Junior Engineer pursuant to Centralized Employment Notice No. 02/2014 in any category you applied for, you were not considered as a successful candidate in the written examination and hence not called for appearing for document verification.

In view of position explained above, I do not find any merit for considering your representation dated 20.04.2015.

With this your representation dated 20.04.2015 is disposed off."

On perusal of the same it appears that the applicant did not qualify in the written examination and have not secured the minimum qualifying marks and as such his name

was not included in the panel of selected candidates and he virtually an unsuccessful candidate.

3. Aggrieved by this order dated 03.09.2015 deciding his representation dated 20.04.2015, the present O.A has been filed. His only contention is that he performed very well in written examination and attempted 100% questions and the answer sheets have not been properly evaluated. By filing rejoinder affidavit he also stated that 33 persons who were declared unsuccessful were also found place in the list of successful candidates. Hence the whole selection should be declared null and void, set aside and to direct the authorities to prepare a fresh panel and the matter may be investigated into by CBI.

4. Reply has been filed by respondents alleging the same fact which has been narrated in the speaking order. It was also contended that the applicant has not attempted 100% questions and OMR answer sheet of applicant was also placed on record. On perusal of which it shows that he only attempted 95% questions.

5. It was further contended that so far as the list of 33 candidates annexed with this rejoinder affidavit is absolutely wrong. They were not unsuccessful candidates but they have been in the panel of successful candidates in different categories. It was further submitted that there was no irregularity or illegality in the selection process. The applicant being unsuccessful candidate has no authority to challenge the selection process which has been completed now after publication of the result of the examination.

6. We have heard the learned counsel for the applicant and learned counsel for the respondents. The applicant challenged the selection process as well as the panel of selected candidates on the sole ground that he has performed very well in the written examination and he attempted 100% questions but he has not been empanelled and his



answer sheets have not been properly evaluated. The OMR answer sheets has been placed on record by the respondents which clearly reveals that he attempted only 95 questions out of 150. So the ground taken by the applicant that he has attempted 100% questions has no legs to stand. The evaluation has already been made and result published. He has no authority now to say that his answer sheet should be revaluated by some expert and fresh selection panel be prepared. We are of the view that the plea taken by the applicant is not at all sustainable. The applicant participated consciously in the examination and attempted only 95 questions out of 150 questions. He has not secured requisite qualifying marks and he has been declared unsuccessful. He filed this application on wrong fact that he has attempted 100% questions. Therefore, being unsuccessful candidate he cannot claim re-opening of the whole process of selection by simply showing that his answer sheets have not been properly evaluated.

7. So far as the question of 33 candidates are concerned, the respondents have categorically stated in the reply that they are all selected candidates and have been empanelled as selected candidates in different categories. Therefore, this plea is not sustainable and it cannot be said that unsuccessful candidates were empanelled.

8. Having considered all the facts and circumstances of the case, we are of the view that the O.A lacks merit and accordingly dismissed. No order as to costs.

(Jaya Das Gupta)
Administrative Member


(Justice V.C. Gupta)
Judicial Member