

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00094/2016

Date of Order: 29.08.2019

CORAM

HON'BLE MR. JAYESH V. BHAIKAVIA, JUDICIAL MEMBER
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER

Sudhanshu Kumar, son of Sri Chandra Bhushan Prasad, resident of Mohalla-Bindwara (Katwhor Tola), P.O.- Munger, P.S.- Kashim Bazar, District-Munger.

..... Applicant.

- By Advocate: Mr. S.K. Bariar

-Versus-

1. The Union of India through the Secretary, Ministry of Railway, Railway Recruitment Board, New Delhi.
2. The General Manager, East Central Railway, Zonal Office, Hazipur.
3. The Chairman, Railway Recruitment Board, Digha Ghat, Patna-4.
4. Secretary, Railway Recruitment Board, Digha Ghat, Patna- 4.
5. Assistant Secretary cum SPIO, Railway Recruitment Board, Digha Ghat, East Central Railway, Patna-4.

..... Respondents.

- By Advocate: Mr. K.P. Narayan

ORDER
[ORAL]

Per Dinesh Sharma, A.M.: - In this case, the applicant has prayed for directing the respondents to appoint the applicant against advertisement no. RRC/CRC/GP1800/1/2013 dated 02.09.2013 by RRC, Dighat Ghat. He has alleged that despite his having been successful in the written test (held on 23.11.2014) and the physical efficiency test (held on 12.03.2015) and

appearing for candidate verification on 19.07.2015 no appointment letter or rejection letter has been issued till date.

2. The respondents have denied the claim of the applicant. They have alleged that the applicant has applied for various posts in Grade Pay Rs. 1800 advertised by Railway Recruitment Cell, East Central Railway vide Employment Notice No. RRC/ECR/GPI800/1/2013 dated 02.09.2013 (Annexur- R/1). Since the applicant was eligible, Roll No. 3070050965 was allotted to him and he appeared in the Written exam on 23.11.2014. The applicant was shortlisted for Physical Efficiency Test (PET) on the basis of performance in written exam. The applicant also qualified the PET. On the basis of merit position of those candidates who qualified both the written exam and PET the applicant was shortlisted for document and candidature verification. His document and candidature verification was scheduled on 19.07.2015. After completion of document and candidate verification on 19.07.15, applicant was sent for medical examination in medical category A2 to C1 before Medical Superintendent, Divisional Railway Hospital, EC Railway, Samastipur on 20.07.2015. Applicant has been found unfit in Aye two to Bee one categories, fit in Bee two to Cee one categories without glasses vide Sr. Divisional Medical Officer, EC Railway's Medical Memo No. 023918 dated 20.07.15 (Annexure- R/2). It is further submitted that there were only 21 posts of Gr. 'D' (Store) out of 4655 posts advertised through the above Employment Notification for which the required medical standard was C-1. Rest posts were for medical category B-1 and above (Annexure R/1). Out of 21 posts, 3 posts were reserved for Physically

Handicapped candidates (OH- 1, VH-1 & HH-1). Thus, there were only 18 posts of Gr. D (Store) which were available for non-PH candidates having lower medical category B-2 or C-1. The break-up of these 18 posts was UR-9, OBC-4, SC-3 & ST-2. Therefore, it was made amply clear through the instructions in the call letter for document and candidature verification that (para-6):- “There are only 21 posts in the lowest notified medical category C-1 which will be allotted on the basis of merit & option given at the time of VOC. Hence, the candidates having B-2 or C-1 medical category and lower in merit for these 21 posts of C-1 medical category will not be allotted any post and their candidature will be cancelled.” It was also made clear through para-5 of the said instructions that there shall be no claim for alternative appointment on the ground of medical unfitness (Annexure R/3). The respondents have further alleged that the applicant belonged to unreserved community and his medical category was B-2 to C-1. There were only 9 (Nine) posts for this medical category for which the applicant as a UR candidate could complete. The 9 unreserved posts of Gr. ‘D’ (Store) were allotted up to rank 336 and the rank of the applicant was 2089. The respondents have, therefore, claimed that the applicant is not entitled for any relief.

3. No rejoinder has been filed by the applicant.

4. We have gone through the pleadings and heard the learned counsel for both the parties. It is clear that applicant could not be appointed since in the medical category for which he was found fit there were limited number of posts and he was far down in the merit list to be eligible for those

post. The applicant has apparently no right to get appointment in such situation. The OA is, therefore, dismissed. No costs.

[Dinesh Sharma]/M[A]

[J.V. Bhairavia]/M[J]

Srk.