

**CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH  
Original Application No.513/2020**

**Dated this the 12<sup>th</sup> day of December, 2022**

**Reserved on: 29.11.2022  
Pronounced on: 12.12.2022**

**CORAM:**

**Hon'ble Sh. Rameshwar Vyas, Member (J)**

**Hon'ble Dr. A. K. Dubey, Member (A)**



1. Shri Madhukar Kumar  
S/o. Bigeshwar Prasad Singh  
Aged: 30 years  
Working as Trackman under SSE/PW/SVL  
R/o. 94/C, New Railway Colony, Sevaliya,  
Ta: Galteshwar, Dist-Kheda – 388 245.

...Applicant

(By Advocate Ms. S S Chaturvedi)

Vs

1. Union of India,  
Notice to be served through  
General Manager, Western Railway,  
Churchgate, Mumbai – 400 020.
2. Divisional Railway Manager (E)  
Western Railway, Pratapnagar, Baroda.- 390 004.
3. Kamlesh Kumar  
Working as Stenographer Gr. III  
Under DRM (E) BRC
4. Sanjeev Kumar  
Working as Stenographer Gr. III  
Under DRM (E) BRC  
Respondent no. (iii) and (iv) notice to be served through,  
Divisional Railway Manger (E)  
Western Railway, Pratapnagar,  
Baroda.- 390 004.
5. Chairman/Secretary/Director  
Railway Board, Rail Bhavan, New Delhi – 110 001.

...Respondents

(By Advocate Mr. M J Patel R- 1 to 2 & Mr. V V Goswamy)

**ORDER**

**Per: Hon'ble Shri Justice Rameshwar Vyas (J)**

1. Heard learned counsel for the applicant on admission. The applicant seeks direction against the respondents for revaluation of his answer sheet of the skill test paper and for inclusion of his name in the panel of the "selected" employee, with all consequential benefits. In this OA, applicant has also challenged the memorandum dated 12.06.2020 (Annexure A/1).



2. Brief facts of the case are as under: -

2.1 Applicant who was working as Trackman appeared in the written test for the post of Stenographer wherein, he was declared passed. After that he had appeared for the skill test wherein, he was declared failed. Out of 8 vacancies, only two candidates were declared passed. As per averments made in the OA, applicant demanded some documents by filing application under RTI. Respondents supplied question paper and answer key of the applicant and permitted to peruse other documents relating to candidates declared successful. After that he made representation on 04.06.2020 (Annexure A/9) and requested to re-check the result. As per the averments made in the application, the mistakes committed by the selected candidates are much more than the mistakes committed by the applicant. The same has been observed by the applicant at the time of perusal of the RTI. Applicant also averred that he is more qualified than the selected candidates i.e., respondents herein. Respondents passed only those candidates who were working in the DRM office.

2.2 Applicant also challenged the RBE No. 52/2018 dated 22.05.2018 whereby, condition was added in the Appendix-III of the Indian Railway Establishment Manual, Vol-I, to the effect that "There is no provision of re-evaluation/re-assessment in

Appendix-III Examination. Rechecks of totals of marks and arithmetic mistake are permissible only.”

3. In reply to the OA, it has been specifically averred that applicant has not cleared the skill test conducted on 06.03.2020 hence did not find place on the panel. The respondents acted as per rules. The OA is merit less and hence prayed to dismiss the same.
4. During the argument learned counsel for the applicant submits that respondents may be directed to place on record the answer sheet of all candidates so that this Tribunal may compare the answer sheet of the applicant with the answer sheet of the selected candidates. Counsel for the applicant also submits that applicant has committed less mistakes than the mistakes committed by two selected candidates i.e., respondents herein. Applicant also challenged the legality of RBE No. 52/2018 dated 22.05.2018 whereby not providing provision for revaluation has been questioned.
5. On the other hand, learned counsel for the respondents submits that the examination was conducted in a fair manner and applicant has failed in the skill test. So did not find place in the selected panel list.
6. Having regard to the submissions made by the learned counsel for the parties and material available on record, we see no merit in this OA .Except the fact that applicant committed less error than the errors committed by the selected candidates, there is no substantial averment made in the OA. The allegation made by the applicant regarding discrimination towards applicant has not been supported by any facts and figures .The applicant was given copy of his answer sheet and allowed to peruse answer sheet of selected candidates under RTI however he failed to indicate the details of the alleged discrimination. On the other hand respondent have filed the details of the mistakes (Annexure A/11) committed by all 12 candidates who appeared



in the examination which suggests that result has been declared based on the proper examination and evaluation of answer sheets. Only those candidates have been declared passed who have committed less than 10% mistakes. There is no averment in this OA to the effect that the applicant committed less than 10 % errors which was substantial for making out prima facie case in favour of the applicant. There is no relevancy in comparing the answer sheet of the applicant with answer sheet of the selected candidates since only those candidates got qualified who committed less than 10 % mistakes. The applicant has no right to challenge the RBE after appearing in the examination. Once he participated in the process, he cannot challenge the rules which govern the examination process. No prima facie case is made out in favour of the applicant.



7. In view of the above circumstances, this OA is liable to be dismissed at admission stage. Accordingly, the same is dismissed. No order as to costs.

**(A K Dubey)**  
**Member(A)**

**(Rameshwar Vyas)**  
**Member(J)**

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