

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9781 of 2014

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1. The Union of India through the Secretary, Ministry of Railway, New Delhi.
 2. The Railway Recruitment Board, Mahendru Ghat, Patna through its Chairman.
 3. The Chairman, Railway Recruitment Board, Mahendru Ghat, Patna.
 4. The Secretary, Railway Recruitment Board, Mahendru Ghat, Patna.
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.... Petitioners

Versus

Shashikant Machhindranath Ingole, Son of Sri Machhindranath Ghulajee Ingole
resident of Umbarda Bazar, TA Karanja Lad, District- Washim, Maharashtra.

.... Respondent

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Appearance :

For the Petitioners : Mr. D. K. Sinha, Senior Advocate
Mr. Satyeshwar Prasad, Advocate

For the Respondent : None

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 31-03-2016

The challenge in the present writ petition is to an order passed by the Central Administrative Tribunal, Patna Bench, Patna (for short, 'the Tribunal') on 27th of September, 2012 in O.A. No.04 of 2010 whereby an Original Application filed by the respondent was allowed.

The respondent had approached the Tribunal to quash the letter dated 20th of October, 2009 whereby the application of the said respondent for appointment to the post of Section Engineer [works] was rejected for the reason that the application is not proper in as much

as that the respondent had filled the year as '2006' in the application form though the employment notice was published on 6th of January, 2007.

The stand of the respondent is that in pursuance of the employment notice published on 6th of January, 2007 inviting applications for appointment to the said post, he applied in the prescribed form. An admit card was issued to the respondent for the written examination to be held on 6th of January, 2008. The result of the examination was published on 15th of February, 2008. The respondent was successful, but in the final result, the name of the respondent did not figure. The respondent filed a representation against the action of the present petitioners in rejecting his candidature. He was informed that due to error in the application, the result has not been published.

The error which has now been pointed out is that the year in the application has been put as '2006' though the application has been filed in January, 2007. As per the respondent, the error occurred because January is the first month of the year and, therefore, instead of noting 2007, the previous year (2006) was mentioned inadvertently.

The Tribunal has allowed the Original Application finding that there was inadvertent mistake not intended to seek any

undue benefit and the application form was meant for the examination in question.

We have heard learned counsel for the petitioner and find no error in the order passed by the Tribunal. The year mentioned in the application form is inconsequential when the application was for the post advertised. Such mistake is an inadvertent mistake and cannot be made basis to reject a candidature of the candidate who was successful in the examination.

We do not find any error in the order passed by the Tribunal which warrants any interference in present writ application.

The writ application thus stands dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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