

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7630 of 2016

Unmesh Ray, Son of Daroga Ray, Resident of village - Sabalpur Chaharam, P.S. & P.O. Sonepur, District - Saran at Chapra.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railway (Rail Mantralaya), Railway Board, New Delhi
2. The General Manager (P) East Central Railway, Hajipur
3. The Senior Personnel officer, Eastern Central Railway, Vaishali at Hajipur

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate

For the Respondent/s :

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 09-05-2016

The challenge in the present writ petition is to an order dated 14.01.2015 passed by the Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as the 'Tribunal') in O.A. No. 050/00896/2014 which was dismissed for default and the order dated 29.01.2016 passed in the Miscellaneous Application, whereby the application for restoration of Original Application was dismissed on account of inordinate delay in seeking restoration.

Though, we do not find any sufficient cause in the application for restoration of Original Application, but still we have examined the merits of the writ petition as well.

The petitioner asserts that he was a candidate for appointment to Group-D post. He was called upon to furnish his

educational qualification as well as other documents on 27.11.2008. The petitioner was not appointed. It was only in pursuance of information sent to the petitioner under the Right to Information Act; the petitioner was informed that he was medically found unfit on 10.12.2008 for the post applied, therefore, unfit for appointment.

Since, the petitioner has not been found medically fit, which aspect has not been challenged by the petitioner before the Tribunal within the period of limitation, we do not find him fit for appointment for the post applied for.

In view thereof, we do not find any reason to interfere with the order passed by the Tribunal, which may warrant interference in the present writ petition. The writ petition stands dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P. Kumar/Sujit

U			
---	--	--	--