

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3859 of 2016

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Randhir Paswan, S/o Naresh Paswan, resident of Village- Bhimal Bigha, P.O.- Sakari Khura, Distt- Arwal.

.... Petitioner

Versus

1. The Union of India through the Chairman, Railway Recruitment Board, Muzaffarpur (Lichi Bagan).
2. The Secretary, Railway Recruitment Board, Muzaffarpur (Lichi Bagan).
3. The General Manager, East Central Railway, Hajipur (Vaishali).
4. The D.G.M. (Recruitment), East Central Railway, Hajipur (Vaishali).

.... Respondents

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Appearance :

For the Petitioner	:	Md. Mushtaque Alam, Advocate Mr. Ajay Kumar No., Advocate Mr. Humayou Alam Khan, Advocate
For the Railway	:	Mr. Naresh Dixit, Advocate Mr. Lalan Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 17-01-2017

The order dated 20.05.2015, passed in O.A. No. 470/2014 as well as order dated 27.08.2015, passed in R.A. No. 25/2015, by virtue of which the review application of the petitioner was rejected by the Central Administrative Tribunal, Patna Bench, Patna, are subject matter of challenge before the Division Bench.

From the narration of facts emerging from Annexure-7, which is the order passed in OA by the Tribunal, the



petitioner, who claims himself to be belonging to Scheduled Caste category after completing his educational qualification, applied for the post of Depot Material Superintendent III in response to an advertisement issued by the Railway Recruitment Board, Muzaffarpur, which was Advertisement No. 05/10. There were four posts available in the said category. It is the case of the petitioner that he had appended all the documents including caste certificate and completed the formalities. However, despite the above facts when the results were issued he did not find his name in the list of successful candidates. He wanted a direction upon the respondents to declare his result and to appoint him.

From the pleadings and the stand of the respondent Railway Authorities, a plea was taken that in course of verification of identity and certificates of qualifying candidates on 28.09.2012 it transpired that the petitioner had failed to produce the caste certificate in the prescribed format as directed by the Railway Recruitment Board. In this regard an intimation was sent to the petitioner on 04.09.2012. The petitioner thereafter produced a photo copy of the caste certificate in a different format and no original of the said certificate was produced by him. The photo copy did not bear any date or seal of the issuing authority. Therefore, it was difficult for the respondent



authorities to go by his declaration as to his caste certificate.

After much arguments and submissions made the Tribunal concludes as under :

“[i] That the applicant had clearly defaulted in producing the original caste certificate on 28.09.2012 when the verification of documents took place.

[ii] That, in fact, the applicant could not have been in possession of the said original certificate since, by his own admission, he had lost it.

[iii] That, in any case, the Photostat copy of certificate which he produced was not in the prescribed format, despite the fact that he had been informed well in advance by the respondents in this regard.

[iv] In the absence of any rejoinder and any specific rebuttal by the applicant, it is clear that the documents/certificates which were produced by the applicant on 28.09.2012 were the documents at Annexure R/1 series, as submitted by the respondents.

[v] That the said document is clearly deficient and does not establish the SC status of the applicant.

[vi] Further, in the light of the above, other certificates, annexed by the applicant in regard to his caste, are, apart from being contrary and questionable, not relevant since it has not been



established that these were actually submitted before the respondents. That, in fact, what was submitted was the documents at Annexure R/1 series.

[vii] That the onus of default clearly lies on the applicant who, despite advance intimation, not only failed to produce his caste certificate in the prescribed format but actually submitted a questionable document which the respondents, for the reasons recorded on the document at Annexure R/1 series, have clearly and justifiably not accepted. That being the case, the applicant is clearly liable for the consequences of his default.

[viii] That the subsequent submission of a caste certificate [issued after 28.09.2012] by the applicant amounts to shutting the stable door after the horses have fled. With too many aspirants seeking too few jobs, the applicant cannot expect the respondents to wait for a candidate who has clearly, by his own acts of omission and commission, failed to meet the terms and conditions prescribed for participating in the recruitment process, specially those in regard to his caste certificate. In the circumstances, the applicant can do little now beyond crying over the spilled milk. That, time and tide waits for no man and those who fail to grab an opportunity by their own default can only blame themselves and no one else.”



From what has been extracted as the reasoning given by the Tribunal for rejecting the claim of the petitioner this Court does not find any infirmity in the rationale or reasoning provided because the Tribunal has rightly come to an opinion that since the petitioner failed to grab the opportunity by his own default, no body else can be blamed for the same.

In view of the above, writ application is dismissed being devoid of merit.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Sudha/Rajesh

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	19.01.2017
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