

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2625 of 2017

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Muni Lal Singh, Son of Sri Dhaturi Prasad Singh, resident of
village - Manjlishpur, Post office - Gokhula, Via - Bidupur, District
- Vaishali

.... Petitioner

Versus

1. The Union of India through the Secretary, Railway Board, Rail Bhawan, New Delhi
2. The General Manager, East Central Railway, Hajipur
3. The Additional General Manager, East Central Railway, Hajipur
4. The Director, Railway Recruitment Board, Rail Bhawan, New Delhi
5. The Additional Member, Commercial Railway Board, Rail Bhawan, New Delhi
6. The Chairman, Railway Recruitment Board, Lichi Bagan, Muzaffarpur
7. The Chairman, Railway Recruitment Board, Mahendrughat, Muzaffarpur
8. The Secretary, Railway Recruitment Board, Lichi Bagan, Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner : Mr. Hemant Kumar Karan, Advocate
Mr. J.K. Karan, Advocate
For the Respondents: Mr. Devendra Kr. Sinha, Sr. Advocate
Ms. Meena Singh, 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: 17-04-2017

Heard learned counsel for the petitioner and
learned Senior counsel for the respondents.

2. Original Application, filed by the petitioner,
which was registered as O.A. No. 366 of 2011, was
dismissed on 12th August, 2015 by Central Administrative
Tribunal, Patna Bench, Patna. The Review Application,



which is R.A. No.050/00041/2015, was also dismissed on 30th November, 2015, therefore, the present writ application has now been filed seeking quashing of the two orders which have also been annexed as Annexures - 24 & 26 respectively.

3. The O.A. application of the petitioner was rejected by the Tribunal refusing to give a direction to appoint him on one of the three posts of Technician Grade-III, for which an advertisement was issued on 07.05.2004 by the Railway Recruitment Board, Muzaffarpur.

4. The petitioner was an OBC candidate. He was not appointed despite finding a place in the merit position and he failed to get suitable response from the Railway Recruitment Board, Muzaffarpur, as to the reasons why he could not be or cannot be appointed.

5. At the very outset, the reasons given was that he fled away at the time of verification of records. Then a plea was taken that the application was not properly filled up etc. It is the stand of the petitioner that sometime elapsed in gathering information from the Railway authorities as to why he could not be or cannot be appointed. Finally, petitioner decided to file the O.A. application which was considered and dismissed.

6. The Tribunal concluded its judgment, which



reads as follows:

“Learned counsel for the applicant wanted to make out a case from the blue without any legal basis. If the cut off mark for the OBC category was 40.34, no fault can be found in the action of the respondents in not empanelling the applicant in the select list since he had secured only 40 marks. Since the cut off mark for general candidate was much more than the OBC candidate, there was no question of adjusting any OBC candidate in un-reserved category in order to find a berth for the present applicant. Since the result of the Railway Recruitment Board Examination was finally published in 30.12.2006, naturally the panel is valid for one year and the applicant’s prayer before this Tribunal in 2011, on the plea that he was collecting information through RTI Act, is hopelessly barred by limitation. Even if for the sake of argument, the



delay is condoned to impart substantial justice, no case is made out for giving a direction to the respondents to give appointment to the applicant for a vacancy which occurred in 2006-07. A case of ethical consideration could have been made out, had the applicant successfully shown that the persons securing less mark have been appointed ignoring his genuine case. The whole case of the applicant is misconceived and lacks substance. Since the order of the respondents do not suffer from any infirmity, no interference is called for by this Tribunal. Hence ordered."

7. The reason, so provided by the Tribunal, for rejecting the claim of the petitioner, cannot be said to be erroneous on the fact and in law. Further, it is not evident that any person with less marks than the present petitioner came to be appointed in the OBC category, therefore, any other reason or many other reasons which was provided to the petitioner for his non-appointment has no relevance.



8. If these are the foundational facts on which the O.A. application was dismissed and in absence of any error apparent on the face of record having been pointed out in the review application, dismissal of the review application also cannot be said to be erroneous.

9. Accordingly, this writ application has no merit. It is, therefore, dismissed.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	20.04.2017
Transmission Date	N.A.

