

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

AND

HON'BLE DR. JUSTICE SHAMEEM AKTHER

W.P. No.33603 of 2016

ORDER : (ORAL)

(per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition the petitioner has challenged the order dated 18.11.2015 in O.A. No.806 of 2013 and the order dated 9.3.2016 in R.A.No.11 of 2016 in O.A.No.806 of 2013 passed by the learned Central Administrative Tribunal, Hyderabad.

2. We note that the petitioner sought relief in the O.A. that in the final result declared vide select list No.RRB/SC/607/01/02/2010 CEN/Final Results, dated 1.8.2012 by the 2nd respondent, the selection/appointment made in respect of the respondents 5 to 10 should be declared as illegal, null and void as the certificate of Diploma in Public Health & Sanitation Technology course submitted by the said private respondents are not valid in terms of the Railway Board's instructions. Consequently, the appointment of respondents 5 to 10 as Health & Malaria Inspector Grade-III be declared as illegal, null and void and consequently, direct respondents to revise the select list dated 1.8.2012 by deleting the names of the private respondents 5 to 10 and inserting the name of the petitioner and to provide appointment to the petitioner as Health & Malaria Inspector Grade-III with all consequential benefits with effect from the date of the said select list.

3. During the pendency of the petition, the respondents filed affidavit before this Court whereby stated as under :

“7. I further submit that all the three selected candidates of ECoR with certificates from the above institutes filed three different Original Applications, before Hon’ble CAT/Hyderabad. As per the orders of the Hon’ble High Court, RRB, Secunderabad has sought CPO/ECoR regarding the present status of the three candidates vide letter No.RRB/SC/607/02/06/2010 CEN, dated 3.7.2017. The status of the three candidates as per correspondence made with CPO/ECoR and DRM (P)/ECoR are submitted in the following tabulation (copies enclosed).

Sl.	Name & Roll No.	Status
01.	Yallaiah Nimmala 28106024000019	Filed O.A. against show cause notice. O.A. has been dismissed.O.A.No.20/130/2014, Date of Orders 6.4.2016. Termination notice by the competent authority under issue.
02.	K.Kishore 28106024000003	Hon’ble CAT/Hyderabad, O.A.No.1413 of 2013, dtd. 27.11.2013, Status quo till the next date.
03.	Kiran Kumar Yegireddi 28106024000029	Hon’ble CAT/Hyderabad, O.A.No.1414 of 2013, dtd. 27.11.2013, Status quo till the next date.

8. I submit that subsequently, Railway Board issued a letter dated 18.3.2014, marked for all Zonal Railways as well as Chairman/RRBs not to consider Diploma in Public Health & Sanitation Technology, awarded by institute of Public Health & Hygiene, Mahipalpur, New Delhi and Diploma in Health and Sanitary Inspection awarded by Vinayaka Mission University, Salem which cannot be accepted in lieu of the prescribed qualification; the same is being followed by RRB, Secunderabad from the date of that letter.

9. In fact, the present petitioner stood at 28th in the overall merit and 14th in the OBC community with 38.02% marks in the written examination, which is far below the cut off marks for standby OBC candidate i.e., 61.83 (normalized score). There are still 08 OBC

candidates above his merit who were neither called for document verification nor kept in the 30% standby/waitlisted candidates. Hence, the petition made by the candidate for selection for the post of Health & Malaria of CEN No.06/2010 cannot be considered since he is not even in the zone of consideration. Hence, it is prayed that the writ petition may be dismissed and pass such other or further orders as may be deemed fit and proper.”

4. In view of the counter-affidavit filed by respondents, as noted above, nothing survives in the present petition. Accordingly, to the said extent, the order dated 18.11.2015 in O.A. No.806 of 2013 and the order dated 9.3.2016 in R.A.No.11 of 2016 in O.A.No.806 of 2013, passed by the learned Tribunal, are disposed of in terms of above paras 7 to 9.

5. We hereby made clear that if any of the subsequent order issued against respondents 5 to 10, the said respondents are at liberty to challenge the same before the appropriate forum.

6. Accordingly, the Writ Petition is disposed of. No order as to costs.

7. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE SURESH KUMAR KAIT

Dr. JUSTICE SHAMEEM AKTHER

18th July, 2017
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