

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8910 of 2018

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1. Md. Kamaluddin Son of Md. Ishaque Resident of Village - Chakyadu, P.O. - Malpur, P.S. - Khodawandpur, District - Begusarai.

.... Petitioner/s

Versus

1. The Union of India through the Chairman, Railway Board, New Delhi.
2. The Chairman, Railway Recruitment Cell, Polson Complex, Digha Ghat, Patna.
3. The Secretary, Railway Recruitment Cell, Polson Complex, Digha Ghat, Patna.
4. The Chief Personal Officer, East Central Railway, Hajipur, District - Vaishali.
5. The Deputy Chief Personal Officer (Recruitment), East Central Railway, Hajipur, District - Vaishali.
6. The Assistant Personal Officer (R.R.C) Polson Complex, Digha Ghat, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh

For the Respondent/s : Mr. Anil Kumar Sinha

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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: 17-05-2018

Heard counsel for the petitioner and counsel for the
Railways.

The Central Administrative Tribunal while considering the
O.A. application of the petitioner which is O.A. No. 970 of 2012 has
elaborately dealt with the submission and argument of the present
petitioner and dismissed the O.A. vide order dated 16.08.2016 which
is subject matter of challenge.

The learned Tribunal had this to say as to the reason for
refusing to pass any direction or grant any relief:



“4. The case lies under a small compass. Admittedly, it is a recruitment examination and if there is specific direction in the OMR answer sheet and the applicant failed to comply with the same, he is to blame himself for such lapses and no fault can be found in the action of the respondents in rejecting the candidature of the applicant. The respondents have enclosed a sample of the OMR answer sheet where there is a categorical instruction that under clause 13 that failure to adhere instruction above will render his OMR answer sheet as invalid and not be evaluated. Needless to say that signature of the candidate and sample writing obtained from every candidate is taken as a precautionary measure for comparing the same with the answer sheet in the event of allegation of impersonation.

5. In a case of this nature, the burden is on the applicant to show that his candidature was wrongly cancelled in spite of no lapses on his part. Since applicant failed to substantiate that he has put his signature on answer sheet during written examination, his prayer for allowing his candidature cannot be accepted. The rejection of the applicant does not seem to be arbitrary or illogical calling for interference. Hence ordered.”

The said decision or reason cannot be said to be erroneous.



No candidate individually can be given benefit of doubt because the instructions have to be followed by all the candidates across the Board and failure to comply with all the requirements, will not accrue in his favour.

Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Devendra/Arjun

AFR/NAFR	NAFR
CAV DATE	NA
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