

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4703 of 2019

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Bhagdeo Singh son of Late Ugeshwar Singh Ex- Pointsman Under Station Manager, East-Central Railway, Sahdei, Vaishali, resident of village and Post - Bahuara, Police Station - Biddupur, District - Vaishali - 844502 (Bihar).

... .. Petitioner/s

Versus

1. The Union Of India and Ors through the General Manager, East Central Railway, Hajipur, District - Vaishali (Bihar)
2. The General Manager (P), East Central Railway, Hajipur, District-Vaishali (Bihar).
3. The Divisional Railway Manager, East Central Railway, Sonpur, p.o. Sonpur, District- Saran (Bihar).
4. The Senior Divisional personnel Officer,, East Central Railway, Sonpur, P.O. Sonpur, District-Saran (Bihar).
5. The Senior Divisional operating Manager, East Central Railway, Sonpur, P.O. Sonpur, District-Saran (Bihar).
6. The Senior Divisional Financial Manager, East Central Railway, Sonpur, P.O. Sonpur, District-Saran (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gyan Prakash, Advocate
For the Railways	:	Mr. Kalyan Shankar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 26-03-2019

Heard learned counsel for appellant and perused the impugned order as also the pleadings on record. The main ground of challenge raised in this writ petition is that the respondents having failed to disclose the marks obtained by the petitioner in the Professional Ability test, their contention that the petitioner has received less than 60 per cent marks is



incorrect.

Learned counsel has invited the attention of the Court to the procedure prescribed for award of marks and the guidelines for evaluation during selections. The preparation of panel is preceded by awarding qualifying marks in professional ability, record of service and seniority. Out of 100 marks, 50 marks are reserved for professional ability, 30 marks for record of service and 20 marks for seniority. The minimum qualifying marks for professional ability is 30 which is 60 per cent. The contention of the petitioner is that he has obtained 60 per cent marks. Such contention is not supported by any material.

Learned counsel submits that the petitioner had moved an application under the Right to Information Act seeking such information from the office of the respondents, Hajipur. Annexure 7 to the original application is the questionnaire of the petitioner. There are 5 questions in it and having perused the same, we do not find any such request having been made to provide the marks obtained by the petitioner under the professional ability category. This information, therefore, does not appear to have been demanded at all by the petitioner. Learned counsel submits that he has repeated his request in his representation filed, yet the



respondents have failed to disclose the same. From the written statement filed before the Tribunal, the reply of the Railways is categorical that the applicant was not successful having secured less than 60 per cent marks in professional ability. No reply was filed to the aforesaid averment contained in the written statement nor it has been controverted. It is, therefore, evident that the aforesaid assertion in the written statement remains untraversed by the petitioner and a bald statement that he has obtained maximum marks which amounts to 60 per cent is without any basis. The Tribunal has recorded a clear finding to this effect. We do not find any illegality or deficiency whatsoever in the assessment of facts by the Tribunal. Consequently, there is no merit in the petition.

The petition stands dismissed.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

K.C.Jha/Uma/-

AFR/NAFR	NAFR
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