

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19244 of 2018**

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Rakesh Kumar Ranjan, son of Sri Bhola Singh, Resident of Village and Post  
Office- Ithari, Police Station- Nayaram Nagar, District- Munger Bihar.

... .. Petitioner

Versus

1. The Union of India through the General Manager, Eastern Railway, Kolkata.
2. The Chief Works Manager, Rail Engine Workshop, Jamalpur.
3. The Deputy Chief Personnel Officer – cum - Sports Officer, Rail Engine Workshop, Jamalpur.
4. The Senior Divisional Medical Officer, Rail Engine Workshop, Jamalpur.

... .. Respondents

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**Appearance :**

|                      |   |                                                                                                                                                         |
|----------------------|---|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. M.P. Dixit, Advocate<br>Mr. S.K. Dixit, Advocate<br>Mr. Sanjay Kumar Choubey, Advocate<br>Mrs. Swastika, Advocate<br>Mr. Shailendra Kumar, Advocate |
| For the Respondent/s | : | Mr. Anil Singh, Advocate                                                                                                                                |

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**and**  
**HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)**

**Date : 23-01-2020**

Heard learned counsel for the petitioner and learned  
counsel for the Railways.

2. In this case, the petitioner is challenging the order dated 06.04.2018, passed by the Central Administrative Tribunal, Patna Bench, Patna, in O.A. No. 452 of 2014, whereby and whereunder the prayer of the petitioner for appointment as Football Goalkeeper has been rejected on two grounds; first that



the Notification was made only for one sports quota for the year 2006-07 of Jamalpur Workshop. The Chief Works Manager, Eastern Railway, Jamalpur, being the competent authority at the local administrative level, did not finally approve the panel as he was not fully satisfied of the verification of certificates and said process had not been completed by the stipulated date i.e. 31.03.2007. Moreover, as per the directive of the Railway Board, the quota is allotted only for a Financial Year and unused quota shall lapse on expiry of Financial Year. Thus, unused quota for the year 2006-07 is to be treated as lapsed with regard to vacancy allotted to Jamalpur Workshop as none was appointed against the open advertisement sports quota. Another ground has been given that the applicant's case was fully considered by the respondents, and on enquiry it was found that the verification of certificates furnished by the petitioner could not be completed due to non-availability of the records in the office of the issuing authority and as such, the verification was not satisfactory beyond scope of reasonable doubt.

3. The short facts of this case is that an advertisement was published in the daily newspaper dated 09.11.2006 by the Chief Works Manager, Jamalpur Rail Engine Workshop, Jamalpur, vide Employment Notice No.E/Con/Cell/Sports/2006-



07/JMP, for filling up one post of Football Goalkeeper (Male) and the last date of receipt of application was fixed on 20.12.2016. The petitioner is playing Football and claim has been made that he had represented the State as also the National Team under 19 from the recognized Sports Association. In such view of the matter, he applied against the said vacancy and he was shortlisted for interview under the sports quota and the process of scrutiny as well as trial session was conducted. In the trial session, only four persons could qualify and one of them was the present petitioner and finally the name of the petitioner was forwarded for his appointment as Football Goalkeeper in Jamalpur Railway Team. Whereafter, the petitioner submitted his certificates for verification, as per the petitioner, the respondent authority was to verify his certificates. According to him, he ought to have been selected and appointed as Football Goalkeeper under the sports quota but, the authority has not issued the appointment letter. In such circumstance, he moved before the Central Administrative Tribunal, Patna, in O.A. No. 31 of 2008, which has been disposed of by the Tribunal with a direction to the General Manager, Eastern Railway, Kolkata, to consider the case of the petitioner on merit and pass a speaking order within two months from the date of receipt of the order.



When the authority concerned did not pass the order, the petitioner filed a Contempt Petition before the Tribunal being C.C.P.A. No.71 of 2008, whereafter the General Manager, Eastern Railway, Kolkata, passed a reasoned order dated 20.10.2008 and rejected the claim of the petitioner on the ground that the process had not been completed within the stipulated date 31.03.2007, the quota allotted for the Financial Year 2006-07 lapsed in terms of Paragraph No. 2.3 of the Railway Board's letter No. E (Sports) 2006/Policy/1 dated 20.06.2006. Accordingly, the said Contempt petition was disposed of by the Tribunal with a liberty to the petitioner to challenge the order of the General Manager, Eastern Railway, Kolkata.

4. Accordingly, the petitioner filed O.A. No. 642 of 2009 before the Central Administrative Tribunal, Patna, against the order of the General Manager, Eastern Railway, Kolkata. The Tribunal after hearing the parties set aside the order of the Railway having stated that the authority could have completed the entire process before the due date as after completion of the trial, only verification of documents was to be done and as such, it could not be said the selection process was not completed. It was only at the approval stage, due to complaint, verification of



testimonials could not be done and delay in verification of records has been clearly attributed to the respondents by the Tribunal in its earlier order. The order of the Tribunal was to decide the case on merit, which means, whether the recommendation of the Committee was in order or not, that the documents etc. were genuine and otherwise also, the applicant was eligible for appointment or not. If there was any complaint or doubt about the certificates, the same should have been verified quickly from the issuing organization as was observed by the Tribunal in its order passed in O.A. No. 31 of 2007. This was not done in time and instead, the General Manager has passed a mechanical order without going into the merits of the case. Ultimately, quashed the order of the Railway and remanded back the matter for fresh consideration. While disposing of the case, direction was given that the General Manager, Eastern Railway, Kolkata, to pass a fresh reasoned and speaking order on merit after getting appropriate inquiry done in the matter of alleged complaint about certificate of sports quota furnished by the petitioner or in any other matter, if required. It has further been directed that the petitioner should also be informed of the findings of such inquiries with supporting details thereof and give an opportunity to represent his case



before the fresh and final order is passed on merit. It has further been directed by the Tribunal that the entire exercise should be completed within a period of four months from the date of receipt / production of a copy of the order.

5. Accordingly, the inquiry was conducted and the copy was given to the petitioner. The Inquiry Officer conducted the enquiry on two issues. First relating to Educational Qualification and second relating to Sports Achievements. Under the heading of Educational Qualification, the finding has been recorded that educational qualification was verified from the Headmaster of Laugain (Amarpur) High School, Banka, who vide his letter dated 25.10.2013 authenticated the Transfer Certificate dated 31.12.2000 as genuine, based on the signature of earlier Headmaster and seal available on the said certificate but, the records relating to result and counter foil of Transfer Certificate issued are not available in the school record. It has also been mentioned that the name of the father of the petitioner has been recorded in the admission register as “Sri Bholi Singh” whereas in the Transfer Certificate, the name of the father of the petitioner has been shown as “Sri Bola Singh”. It has also been mentioned therein that the educational qualification was also verified from the District Programme Officer, Banka.



6. Under the heading of Sports Achievements, it has been mentioned that the Secretary, Bihar Football Association, Patna, vide his letters dated 14.11.2013 and 12.02.2014 has authenticated the genuineness of only one certificate issued by AIFF for Junior Under 19 National Football Championship for Dr. B.C. Roy Trophy during 02.12.2005 to 09.12.2005 and with respect to other certificate, it has been mentioned that the same could not be verified as those were not issued by AIFF. Finally, the Personnel Officer, Workshop, has recorded his finding with respect to testimonials submitted by the petitioner. Under the heading of Educational Qualification, in column -I, he has mentioned that as per the admission register, the name of the father of the petitioner is “Sri Bholi Singh” whereas in the Transfer Certificate, the name of the father of the petitioner is “Sri Bhola Singh”. In column II, it has also been mentioned that records in relation to result of the candidates and transfer certificate are not available and confirmation was given only on the basis of signature of earlier Headmaster and seal available on the said Transfer Certificate maintained in the school. Further mentioned that in Transfer Certificate the year of passing of Class-VIII was given 2000 whereas as per the letter dated 19.12.2012 issued by the District Programme Officer, Banka,



the year of passing Class-VIII has been mentioned as 1995. In Column IV, it has been mentioned that the information about the class in which the candidate got his admission in High School, Laugain, Banka on 05.01.1994 is not available.

7. Under the Heading of Sports Achievements, finding has been recorded that records in relation to certificate issued by the Bihar Football Association about participation in Senior National Football Champs for Santosh Trophy from 14.09.2006 to 25.10.2006 are not available in the office of the Bihar Football Association and could not be verified by All India Football Federation. In column II, finding has been recorded that the copy of certificate issued by AIFF for participation of the petitioner in Senior National Football Championship for Santosh Trophy from 14.09.2006 to 25.10.2006 is also not available. The finding of the Personal Officer, Workshop, was communicated to the petitioner, which was replied by the petitioner.

8. On the basis of the aforesaid finding of the Personnel Officer, Workshop, the final order has been passed by the General Manager, Eastern Railway, Kolkata dated 31.03.2014, wherein the finding has been recorded in paragraph no.7. It will be relevant to quote paragraph no.7 of the order



dated 31.03.2014, which is as follows:-

*“7. The applicant, on receiving the enquiry report and its annexures submitted his representation dated 14/03/2014, in which he has failed to bring out any substantial proof on the areas of dispute as mentioned in the enquiry report duly supported by the verification reports.*

*In this connection, the following are observed:-*

*A. Though genuineness of one sports achievement could be verified, but for another sports achievement and educational qualification, the verification reports can't be considered satisfactory and beyond scope of reasonable doubt, since remarks of the issuing authorities are not based on available records.*

*B. Any process of recruitment in the Railways comprises of various stages, such as notification, scrutiny of applications, conduct of examinations / trials, verification of testimonials, medical examination etc. and on successful completion of each stage an empanelled candidate is offered appointment. Thus, mere participation in one or more stages of recruitment process does not confer any right on the candidate for his/her appointment in the Railways.*

*C. Notification was made for only 01 sports quota for the year 2006-07 for Jamalpur*



*Workshop. Chief Works Manager, E.Rly., Jamalpur being the competent authority at the local administrative level did not finally approve the panel as he was not fully satisfied about the process of verification of certificates and the said process had not been completed by the stipulated date i.e. 31/03/2007.*

*D. As per directives of Railway Board the quota is allotted for a financial year and unused quota shall lapse on expiry of financial year (Ref. Para 2.3 of Railway Board's letter No. E(Sports) 2006/Policy/ 1 dated 20/06/2006). Thus, the unused quota for the year 2006-07 is to be treated as lapsed for Jamalpur Workshop as none was appointed against Open Advertisement Sports Quota of Jamalpur Workshop for the financial year 2006-2007.*

*In view of the foregoing and placing reliance upon the exhaustive enquiry conducted by the department as well as the representation dated 14/03/2014 of the applicant against the enquiry report dated 08/03/2014, I come to the conclusion that there remains hardly any merit to re-open the issue.*

*Accordingly, I conclude by observing that the claim of the applicant Sri Rakesh Kumar Ranjan for his appointment against the Open Advertisement Sports Quota of Jamalpur Workshop for the year 2006-07 cannot be*



*acceded to.*

*The direction dated 18/04/2013 of the Hon'ble CAT, Patna Bench in O.A. No. 642 of 2009 is thus complied with"*

9. The petitioner has challenged this order before the Central Administrative Tribunal, Patna. The Tribunal vide impugned order dated 06.04.2016 rejected the claim of the petitioner. Hence, this writ petition.

10. Learned counsel for the petitioner submits that on two occasions, the Tribunal has passed the order in favour of the petitioner, so this time, the Tribunal should have maintained the Judicial discipline and consistency and on flimsy ground the Tribunal ought not to have rejected the claim of the petitioner. It has further been submitted that for the act of negligence by the Railway Administration, the petitioner cannot suffer at loss as it is apparent from the record that the process of scrutiny was done in proper manner and the petitioner was found the best candidate for being appointed as Football Goalkeeper under Sports quota and whereafter the documents submitted by the petitioner were also verified as also the Headmaster of the School repeatedly said that the School Leaving Certificate bears the signature of the earlier Headmaster, in such circumstance, there cannot be doubt about the genuineness of the certificates submitted by the



petitioner.

**11.** It has further been submitted by the petitioner that the certificates issued by the various Football Associations showing to have played Football itself shows that the petitioner was a fit candidate for being appointed as Football Goalkeeper, inasmuch as, other certificates submitted by the Bihar Football Association could not be cross verified from the Football Association since no record was available with the office. Hence, in such circumstances, the petitioner should not be deprived for his appointment on the post of Football Goalkeeper.

**12.** Learned counsel for the Railway submits that the order of the Tribunal is just and proper and does not require any interference by this Court as it was for a particular financial year that could not be done as well as in the School Leaving Certificate submitted by the petitioner, discrepancy relating to parentage was found as well as many certificates relating to participation in Football Game of National level have not been verified as the records were not available in the concerned office. In such circumstances, the claim of the petitioner has rightly been rejected by the Tribunal.

**13.** Having considered the rival contentions of the



parties, before dealing with the merit of the case, it is required to be noted that a Football Player can play Football upto a particular age. As per the own affidavit of the petitioner, the date of birth of the petitioner is 06.06.1987 and as on today he has crossed 33 years of age, so at this age, it is very difficult for a person to play football game. Further, it appears from the certificate issued by the Headmaster of the School, who himself says that the name of the father of the petitioner has been mentioned in the Admission Register as “Sri Bholi Singh” whereas in the Transfer Certificate the name of the father of the petitioner has been mentioned as “Sri Bhola Singh”. On perusal of both the certificates, it appears that in the Transfer Certificate the date of birth of the petitioner has been recorded as 06.06.1987 and his entry in the school has been mentioned as 05.01.1994 but, it does not appears at what stage he has entered into the school and he has left the school on 31.12.2000 i.e. passing the Class-VIII examination, in another letter of the District Programme Officer, the date of birth of the petitioner has been mentioned as 06.06.1987 and the year of passing of examination of class-VIII has been mentioned as 1995, so the certificate which has been issued by the School as well as issued by the District Programme Officer are not in congruent to each



other. A person born on 06.06.1987 is not expected that he will complete his 8<sup>th</sup> Class at the stage of 8 years and further if it is presumed that the petitioner has entered into Class-I in the year 1994 and completed his 8<sup>th</sup> examination in the year 2000 (as per the Transfer Certificate), then also in six years he has completed 8<sup>th</sup> class examination, that itself creates doubt. Furthermore, the certificate which has been issued by the different associations have not been verified as the records were not available in the office, which has been made clear by All India Football Association that only one certificate has been verified and rest certificates have not been verified on account of fact that the records were not available in the office.

**14.** In such view of the matter, we do not find any error in the impugned order passed by the Tribunal, accordingly, this writ petition is dismissed.

**(Shivaji Pandey, J)**

**( Anjani Kumar Sharan, J)**

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