

HIGH COURT OF CHHATTISGARH, BILASPUR**Review Petition No.119 of 2019**

Nitin Kumar Bareth, S/o Shri Samaru Nath Bareth, Presently aged about 34 yrs, Unemployee, R/o Qr.No.365/D, Zone II, BMY-CHARODA, Distt. Durg (C.G.) 490025.

---- Petitioner

Versus

1. Union of India, Through the General Manager, S.E.C. Railway, Bilaspur Zone, General Manager's Office, Bilaspur – 495004 (C.G.)
2. The Chairman, Railway Recruitment Board, S.E.C. Railway, Besides G.M. Office, Bilaspur – 495004 (C.G.)
3. The Dy. Chief Personnel Officer (HQ), S.E.C. Railway, Headquarter's Office, Bilaspur – 495004 (C.G.)

---- Respondents

For Review Petitioner: Mr. Shailendra Kumar Bajpai, Advocate.

For Respondents: Mr. Abhishek Sinha, Adv., on advance copy.

Hon'ble Mr. P.R. Ramachandra Menon, CJ and
Hon'ble Mr. Sanjay K. Agrawal, J.

Order On Board

Sanjay K. Agrawal, J.

15/01/2021

1. This review petition has been filed seeking review of the order dated 26-6-2019 passed by this Court in W.P.(C)No.6578/2017 by which the review petitioner's writ petition has been dismissed finding no merit.
2. Mr. Shailedra Kumar Bajpai, learned counsel appearing for the review petitioner, would submit that the subject recruitment was conducted in accordance with the circular issued by and applicable at the time of recruitment whereby the candidates were required to be called for verification of original certificates

based on merit in the written examination and in their qualifying Physical Efficiency Test and at the time of verification of documents, the candidates will be allowed to exercise their choice for different categories of posts notified and also divisions / workshops for posting. The final recruitment will be strictly based on merit position obtained in the written examination. But the respondent SECR has prepared merit list of all the participants / candidates on the basis of written test and after Physical Efficiency Test and document verification, the candidates have been segregated as per their medical standard and another merit list was prepared on the basis of medical standard of A-2, A-3 and B-1 on the one hand and B-2, C-1 and C-2 on the other hand and released three panels total consisting of 2075 candidates. The review petitioner having obtained 68.22% marks in the written test and was declared found medically fit, was not selected. As such, the order under review requires rehearing.

3. We have heard learned counsel for the petitioner and considered his submissions and also went through the record with utmost circumspection.
4. Learned counsel for the petitioner raised following submissions as held in para 2 of the order under review: -

“2. Mr. B.P. Rao, learned counsel appearing for the petitioner, would submit that though the petitioner has applied and participated in the recruitment of erstwhile Group-D post notified by the Department, he secured merit in the written test as well as qualified in the Physical Efficiency Test and after document verification in the medical test, he was found medically fit in B-2 Medical Category, but though the other candidates have less merit in the written test

than the petitioner, still they were selected, but the petitioner was not appointed in any of the Group-D posts and thereby the respondents have adopted dual merit in the written examination as well as in the medical test which runs contrary to the terms and conditions stipulated in Employment Notification No.SECR/3/2012, as such, the learned Tribunal committed illegality in rejecting his original application dismissing the same summarily without notice to the respondents, therefore, the impugned order deserves to be set aside.”

5. Thereafter, this Court in para 5 of the order under review considered his submissions and finding no merit, has dismissed the writ petition. The submissions made on behalf of learned counsel for the writ petitioner have very well been considered and finding no merit, the writ petition has been dismissed.
6. Now, this review petition has been filed saying that the procedure required to be followed by the Railways was not followed while making recruitment and a different procedure was followed what was not prescribed in their advertisement for recruitment. The ground raised by the writ petitioner at the time of hearing of writ petition was very well considered by this Court and finding no merit, it has been rejected and thereafter, the petitioner by way of this review petition cannot be permitted to raise new grounds which were not raised at that time. It is not the case that the grounds raised were not considered by this Court while dealing with his submission. As such, we do not find any error apparent on the face of record in the order under review. Accordingly, the review petition is dismissed. No order as to costs.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Sanjay K. Agrawal)
Judge

Soma