

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Civil Writ Petition No. 6394/2020

1. Railway Recruitment Board, Ajmer Through Assi. Secretary, Office Address 2010, Nehru Marg, Ambedkar Circle, Ajmer-305028 Rajasthan.
2. Union Of India, Through General Manager, North Western Railways Hq Office, Near Jawahar Circle, Jaipur-302017.

----Petitioners

Versus

Shri Pawan Kumar S/o Rajendra Prasad, Aged About 28 Years, Resident Of Village Adarsh Nagar-B, Bagar Jhunjhunu, Rajasthan-333023 Applied For The Post Of Junior Engineer Diesel Mechanical In The Pay Band And Gp (9300-34800), Gp-4200) In Railway Dept. Rrb, Ministry Of Railways.

----Respondent

For Petitioner(s)	:	Mr. Mohan Lal Goyal Advocate through Video Conferencing.
-------------------	---	---

**HON'BLE MRS. JUSTICE SABINA
HON'BLE MR. JUSTICE MANOJ KUMAR VYAS**

Judgment / Order

15/04/2021

Petitioners-Railways has filed the writ petition challenging the order dated 18.02.2020 passed by the Central Administrative Tribunal, Jaipur (hereinafter referred to as 'the Tribunal'), whereby, original application filed by the respondent was allowed.

Learned counsel for the petitioners has submitted that the respondent was required to furnish the income certificate issued in the year 2012. Since the respondent had failed to produce income certificate for the year 2012, he could not be given appointment in the backward class category.

Respondent had applied for the post of Junior Engineer Diesel Mechanical. Respondent cleared the written examination. However, result of the respondent was not declared. Thereafter, vide notice dated 16.06.2016, respondent was informed that income certificate dated 01.01.2010 submitted by him was more than two years old *vis-à-vis* the date of application. It was also informed that the certificate produced by the respondent at the time of document verification, was not signed by the competent authority. Respondent was given time to furnish the necessary documents. Thereafter, respondent again submitted an income certificate signed by the Hon'ble Member of Parliament for the Lok Sabha, Constituency of Jhunjhunu certifying that the annual income of the respondent was Rs.48,000/-. The said certificate was not accepted and it was informed that the certificate should pertain to the year 2013. However, result of the respondent was not declared and as a result, respondent approached the Tribunal for redressal of his grievance.

It has been noticed by the Tribunal that as per the certificate relating to annual income of the respondent in the year 2010 issued by the Tehsildar, Jhunjhunu, the annual income of the respondent was Rs.41,000/-, but the said certificate was not in the format prescribed in the notification issued by the petitioners. Another certificate was issued by the Hon'ble Member of Parliament for the Lok Sabha, Constituency of Jhunjhunu on 30.06.2016. The said certificate was also not in terms of the format. As per the second certificate, income of the respondent was Rs.48,000/- in the year 2016. Thus, the income certificate submitted by the respondent showed that his income was below the threshold of Rs.50,000/- per annum.

It has been noticed by the Tribunal that the substantive authenticity of the income certificates had not been countered by the petitioners, therefore, there was no reason to disbelieve the said certificates. Since annual income of the respondent was less than Rs.50,000/-, his categorisation as being economically backward class was correct. So far as the income of the respondent is concerned, the same has remained less than Rs.50,000/- per annum from the year 2010 to 2016.

In these circumstances, learned Tribunal rightly observed that there was no reason to disbelieve that the annual income of the respondent was less than Rs.50,000/- on the date he had applied for the job-in-question. The order passed by the learned Tribunal is just and fair and calls for no interference.

Dismissed.

(MANOJ KUMAR VYAS),J

(SABINA),J

Sanjay Kumawat-24

