

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19887 of 2019

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Manish Raj, S/o Shri Satish Kumar Prasad Sah, R/o- Barbatta Railway Colony, Qr. No. L/208A, P.O. and P.S.- Sonapur, District- Saran (Chhapra).

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railways, Railway Recruitment Board, New Delhi.
2. The General Manager, East Central Railway, Zonal Office, Hajipur.
3. The General Manager (P)- cum – Chairman, Railway Recruitment Board, East Central Railway, Zonal Office, Hajipur.
4. The Senior Personnel Officer (Recruitment), East Central Railway, Headquarter Office, Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar, Advocate.
For the U.O.I. : Mr. Ram Anurag Singh, C.G.C.
For the Respondent/s : Mr.Ramadhar Shekhar (Addl Standing Counsel)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 07-11-2022

In the instant petition, petitioner has prayed for the following reliefs:

“i. To quash the order dated 03.05.2019 passed in O.A. No. 50/00818/2015 by the Hon’ble Central Administrative Tribunal, Patna Bench, Patna whereby and whereunder, the



application of the petitioner challenging the marks granted to the petitioner, being not in consonance with the terms of the Advertisement issued vide Centralized Employment Notice No. ECR/HRD/Rectt/Scout & Guide Quota 2014-15 dated 03.11.2014, has been dismissed on extraneous materials;

ii. To direct the respondent authorities to appoint the petitioner as against the Advertisement issued vide Centralized Employment Notice No. ECR/HRD/Rectt/Scout & Guide Quota 2014-15 dated 03.11.2014, after rectifying the marks and granting him marks in accordance with the marking, as has been stipulated in the said Advertisement, and

iii. For passing any other order / orders, which may deem fit and proper in the facts and circumstances of the case, which the petitioner may be entitled to.”

2. The petitioner was one of the candidate for recruitment to the post of group ‘C’ under Scouts and Guides Quota. Due to non-selection, he had invoked remedy under Section 19 of the Administrative Tribunals Act, 1985 before the Central Administrative Tribunal, Patna Bench, Patna in filing O.A. No. 818 of 2015 and it was decided against petitioner on



03.05.2019, hence the present writ petition.

3. The grouse of the petitioner is that he has not been awarded marks in respect of Scout/Guide under Sports Quota properly. According to him, he had three National events certificate dated 26.02.2005, January 2011 and 06.11.2007. He has been awarded five marks instead of seven marks. Procedure for award of marks is governed by the recruitment Scout and Guide Quota - procedure for circular bearing no. RBE No. 82/2000, No. E(NG)II/99/RR-2/3 Para-xi of Para-2 relates to the candidates, who applied in response to notification issued and are found eligible for consideration for appointment against Scouts and Guide Quota should be assessed on the following basis which reads as under;

(A)	Written Test	50 marks
	The written test will consist of 50 objective type questions relating to Scouts and Guides organization and its activities as per syllabus outlined in Annexure-I for Group 'C' & Annexure-II for Group 'D'.	
(B)	Scouts / Guides Qualifications over and above the minimum prescribed as eligibility condition	35 marks
(a)	Participation in International event (one event – 5 marks, two or more events – 7 marks)	7 marks
(b)	Participation in National Events/National Jamboore (No marks for the first event. The same being the minimum eligibility condition; First additional event – 5 marks; Two additional events or beyond – 7 marks)	7 marks
(c)	Participation in Jamboore on the Indian Railways (one event – 5 marks; two or more	7 marks



	events – 7 marks)	
(d)	Events / Rallies attended at State level (one event – 5 mark, two or more events – 7 marks)	7 marks
(e)	Specialized Scout / Guides Course Pioneering / Mapping and standard judging Course / Vocational Craft course (one event – 5 marks; two or more events – 7 marks)	7 marks
(C)	Personality Test / Interview	15 marks
	Total	100 Marks

4. Item No.(B)(b) is in respect of award of seven marks in the event of candidate participation in the National events / National Jamboore (no marks for the first event). The same being the minimum eligibility condition; first additional event – five marks; two additional events - seven marks. The petitioner has been awarded five marks. According to his claim he should have been awarded seven marks instead of five marks with reference to certificates dated 26.02.2005, January 2011 and 06.11.2007.

5. Perusal of certificate dated 26.02.2005, it is not a National event certificate. On the other hand, certificate dated 26.02.2005 is in respect of the fact that petitioner has successfully undergone ‘Community Singing Course’ conducted at National Training Centre, Pachmarhi during the period from 22.02.2005 to 26.02.2005. It is a course relating to ‘Community Singing’ and not a National event. In fact, the certificate is in



respect of undergoing training for which he is not entitled to award of marks. The aforesaid issue has not been taken note of by the learned Tribunal. On the other hand, learned Tribunal proceeded to decide the petitioner grievance with reference to the certificate dated 03.01.2015 to the extent that the same cannot be taken note of for the purpose of selection and appointment to the post of group 'C' under the Scout and Guide Quota as the last date of submission of application was 22.12.2014.

6. In the light of these facts and circumstances, no doubt the Tribunal has not examined the contention of the petitioner to the extent that award of marks to three certificates dated 26.02.2015, January 2011 and 06.11.2007, however, we have examined the records and so also the criteria laid down by the railway authorities as to how marks were required to be awarded in respect of national, international event, etc. Dispute is only in respect of award of marks in respect of national event. Perusal of certificate dated 26.02.2005, it is crystal clear that it is not in respect of national event participation. On the other hand, petitioner has undergone 'Community Singing Course' for which he is not entitled to award of marks in terms of the aforesaid guidelines issued by the railway authorities in respect



of awarding marks to a national event.

7. Hence the present petition stands dismissed.

(P. B. Bajanthri, J)

(Purnendu Singh, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	14.11.2022
Transmission Date	N.A.

