

**IN THE HIGH COURT AT CALCUTTA  
CIVIL APPELLATE JURISDICTION  
APPELLATE SIDE**

**Present:-**

**The Hon'ble Justice Madhuresh Prasad**

**And**

**The Hon'ble Justice Supratim Bhattacharya**

**W.P.C.T. 241 of 2024**

**Shishupal Pramani & Another  
Versus  
Union of India and others**

For the Petitioners : Mr. Narayan Chandra Bhandary,  
Mr. Chandan Chakraborty.

For the UoI/Respondents : Ms. Priyanka Tibriwal,  
Mr. Debopriya Samanta

Heard on : November 12, 2024.

Judgment on : November 20, 2024.

**Madhuresh Prasad, J.:**

1. The petitioners were the applicants before the Tribunal. It is submitted that the petitioner No. 1 belonged to the category (OBC) and petitioner No. 2 belongs to the category (Unreserved). Petitioners participated in the recruitment process initiated by vacancy notice CEN No. 02/2018 published by the Railways. The same was for recruitment of Level 1 posts to be conducted by the Recruitment Railway Board/s ("RRB" for short) throughout the country. The centralized notice contemplated making of only one application to the RRB selected by the concerned candidate from where he was desirous of participating in the recruitment process. The petitioners

made their applications to the RRB Kolkata. The recruitment process comprised of a Computer Based Test (CBT). Upon emerging successful therein candidates were required to undergo Physical Efficiency Test (PET) only thereafter the further stages of document verification etc. were to follow.

2. The CBT was conducted on 12.11.2018 and 16.11.2018 for the two petitioners. Petitioner No. 1 and 2 secured normalized scores of 43.61157 and 40.81995 respectively. Based on such performance they were not declared successful in the CBT and thus not called for the next phase of the selection process, being PET.

3. The petitioner thus approached the Central Administrative Tribunal being aggrieved by their exclusion from the recruitment process. The learned Counsel for the petitioner submitted that petitioners' exclusion from the recruitment process is unsustainable. Referring to Annexure P12 it is submitted that applicants in RRB Guwahati who had secured 0.22319 and 0.80506 marks were called for the PET. The petitioners, however, have not been called for PET though they had secured 43.61157 and 40.81995 marks. It is thus submitted that the petitioners were discriminated against in the recruitment process. Those obtaining lesser marks than them have been declared qualified in the CBT and called for PET, whereas the petitioners have been deprived of such consideration.

4. The learned Counsel has further submitted that the entire selection process appears to be vitiated. Referring again to Annexure P12 he submits that candidates in Ahmedabad, Bangalore and Ajmer

have been awarded 384.71543, 654.76389 and 111.01205 marks respectively. He thus submits that when assessment of the candidates is to be done on a scale of 100 marks it is shocking that candidates have been awarded such marks. Award of such high marks, more than the total marks (100) is a clear indication of the illegal and irregular manner in which the recruitment has been conducted. The result of such a recruitment process, thus deserves to be set aside and a direction ought to be issued to the respondent authority to conduct process fresh.

5. Petitioners' learned Counsel has relied upon a decision of a co-ordinate bench of this Court in the case of **Bipul Kumar Biswas & Ors Vs. Union of India & Ors** in **WPCT No. 49 of 2017** decided on 24.04.2020. He has laid emphasis on paragraph 20-25 of the said judgment to submit that the Hon'ble Division Bench had found award of such normalized marks to be unsustainable.

6. The learned Counsel for the Union of India on the other hand, submits that the recruitment has been done strictly in terms of the Centralized Employment Notice (CEN) No. 2/2018. The petitioner being an applicant from RRB (Kolkata) cannot claim any parity or assessment of *inter se* merit with candidates appearing in other RRBs. The candidates were short listed by each RRB based on the normalized marks of the candidates/ applicants in that particular RRB and therefore the cut off marks in each RRB varies.

7. It is submitted that the marks obtained by the candidates in Guwahati, Ahmedabad, Bangalore or Ajmer being referred to by the

petitioner are not actual/ raw marks. These marks which have been referred to by the petitioners are normalized marks. The fact that assessment of *inter se* merit of the competing candidates in the CBT would be based on normalized marks was clearly indicated at Clause 7 of the important instructions contained in CEN No. 2 of 2018. The petitioner, therefore, is not in a position to raise any objection on grant of normalized marks as indicated in Annexure P12. Grant of such normalized marks, more than 100 being beyond the full marks of a particular test does not suffer from any anomaly or discrepancy, it is common to find such grant of marks in excess of 100 as a result of normalization. The contention of the petitioners' counsel that the recruitment process suffered from any infirmity is unsustainable.

8. We have taken note of the submission of the parties and perused the material referred to and relied upon by them and find that two issues emerges for consideration;

1. Whether the petitioner can claim discrimination based on normalized marks awarded to candidates in other RRBs.,
2. Whether the marks awarded to the candidates in Ahmedabad, Bangalore and Ajmer after normalization, which is more than 100 *per se* is sufficient to arrive at a conclusion that the recruitment process is unfair and thus vitiated.

9. As regards the first issue we have examined the notice of employment CEN 2 of 2018. We find that in Clause 2.0 the same

specified a summary of vacancies under the various categories in the various RRBs. Clauses 1 and 3 of the important instructions are also relevant and are thus being quoted:

*“1) Applications are to be submitted ONLINE through RRB websites ONLY listed at Para 20.0 of this CEN. One application ONLY is required to be submitted to the selected RRB for all its notified posts in this CEN. Candidates can apply to only one RRB. Any attempt to submit more than one application by a candidate against this CEN shall result in disqualification and debarment.*

*...*

*3) Candidates are required to go through the vacancy table, ascertain their eligibility and then exercise options for the RRBs and post(s) within the RRB chosen as per their eligibility. The selection of RRB once exercised shall be final.”*

10. From perusal of this stipulation in the CEN it is obvious that a candidate can apply only for a particular RRB; and not for the other RRBs. A bare perusal of the general instructions in the CEN, specifically instructions No. 1.11, 1.17, etc. etc. makes it clear that the recruitment though notified by a Centralized Employment Notice was to be carried through by the RRBs with specific autonomy as prescribed by the CEN. In the present case the petitioners had applied in RRB Kolkata, which conducted the recruitment process. In the circumstance there is no room for claiming assessment of merit of any candidate (petitioners) *inter se* with candidates appearing in the recruitment process being carried on separately and independently by another RRB. The petitioners comparison, therefore, with the candidates for Guwahati RRB, who secured much lesser marks from the petitioner is clearly unsustainable. The applicants from any RRB based on the vacancies occurring under the said RRB and subjecting themselves to a recruitment process being

conducted by that RRB forms a class distinct from the candidates participating in a recruitment process conducted by another RRB. Therefore, in the present case we do not find any basis for the petitioner to claim that he is better and more suited for being declared successful in the computer based test conducted by the RRB from where he applied (Kolkata), by placing reliance on a lesser normalized marks obtained by candidates participating in the recruitment process conducted by another RRB (Guwahati). The question of infraction of Article 14 of the Constitution of India, in this circumstance does not arise.

11. As regards the second limb of the submissions advanced on behalf of the petitioner that the normalized marks above 100 awarded to candidates in the other RRBs signifies some foul play and unfairness in the process, we find no force in such submission. As per the CEN assessment of CBT was to be after the marks were normalized. This is manifest from Clause 7 of the important instructions contained in CEN which reads as follows:

*“7) Stages of Exam: There shall be a Computer Based Test (CBT). Candidates qualified in the CBT shall have to undergo Physical Efficiency Test (PET). Marks will be normalized in the CBT.”*

12. The Railways had also published a notice in its official website in connection with CEN 02/2018 wherein frequently asked questions (FAQ) on normalization of marks were published. The same clearly spells out the circumstance in the present recruitment process requiring normalization of marks. Since the CBT was required to be conducted in multiple sessions throughout the various RRBs based

on the same syllabus, variation in the difficulty level of the questions in the various sessions was unavoidable in spite of best efforts. The same was likely to result in a variation in the marks obtained by the candidates having the same caliber. In order to equalize the variation in the difficulty level of question papers a statistical normalization of marks was resorted to for ensuring a level playing field for all the candidates. The FAQ elaborated on all issues including the fact that the process had attracted 1.89 Crore candidates and that the examination was to be conducted in 153 sessions.

13. The published FAQ clarified that normalization is based on a statistical process where statistical parameters such as mean marks and standard deviation of marks scored by the candidates in a session, are analyzed and after such an exercise a session is identified as a base session. The process of normalization is then carried out with reference to a base session so as to equalize the difficulty level of all other sessions with reference to this base session.

14. It also elaborates with examples about the process of normalization adopted by the respondent authorities. Based on such process it is possible that when a very good candidate lands in a difficult session or most difficult session and still secured high raw marks, his normalized marks will increase substantially as the difficulty level of his session is equalized in comparison to the base session. As a result, such candidates may get normalised marks more than 100 also. We find from the CEN and the notice publishing

the FAQs that having regard to the magnitude of the recruitment process being conducted throughout the country by the different RRBs, based on the same syllabus, the authorities had decided to resort to normalization of marks in CBT, at the time of issuing the CEN itself. They have also maintained the requisite transparency by publishing the entire concept of normalization, which was adopted in the process of recruitment. The candidates, including the petitioners have participated in the process of recruitment with open eyes, being aware of the process of normalization of marks and its likely effect/s on the raw marks obtained. It, therefore, does not lie in the mouth of the petitioner to contend that normalized marks cannot be above 100 or that such normalized marks is an indication of any foul play in the recruitment process.

15. The reliance placed by the petitioners' counsel on judgment of the co-ordinate bench in the case of Bipul kumar Biswas (supra) in our considered view though laying down undeniable propositions of law, are based on a different set of facts. In the recruitment process which fell for consideration before the co-ordinate bench there was no conscious decision either before or during the recruitment process that normalization of marks was to be resorted to. The process of normalization had been adopted by the authorities therein in a mechanical way without any consideration whether the magnitude and nature of the recruitment process required normalization, or not. In the present case, however, as noticed above, the process of normalization has been adopted by the authority's at the time the

recruitment process was advertised as is apparent from Clause 7 of the CEN, quoted above. The decision was a conscious decision, the reasons for such a decision and the likely consequences thereof were clearly published by the authorities in the FAQs as considered above. We, therefore, find no force in the submission of the learned Counsel for the petitioner on the second issue also raised in the present proceedings.

16. In view of the above discussions we find that there is no occasion for the petitioner to claim discrimination based on the normalized marks. We have also not found any substance in the petitioner's grievance that the normalized marks secured by some candidates above 100 can *ipso facto* be made the basis of concluding that the recruitment process is unfair or vitiated. The issues 1 and 2 are thus both decided against the petitioner. We, therefore find no infirmity in the decision of the Central Administrative Tribunal rejecting the claim of the petitioner.

17. The writ petition is dismissed.

18. Connected applications stand dismissed.

19. Interim orders if any stand vacated.

**(Madhuresh Prasad, J.)**

20. I agree.

**(Supratim Bhattacharya, J.)**