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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **27.06.2024**

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THE HONOURABLE Ms. JUSTICE **P.T.ASHA**

W.P.No.37521 of 2016
and
W.M.P.No.32150 of 2016

R.Abi Robert Singh ... Petitioner

-vs-

1.The Chief Security Commissioner,
Railway Protection Force (RPF),
North Eastern Railway,
Gorakhpur,
Railway Colony Post,
Gorakhpur – 273 012.

2.The Chief Security Commissioner,
Railway Protection Force,
Southern Railway,
Chennai – 600 003. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to give appointment letter to the petitioner pursuant to

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the selection list.

For petitioner : Dr.Ravichandran
for Mr.P.Johnson

For respondents : Mr.P.T.Ramkumar

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ORDER

The above writ petition is filed for a mandamus directing the respondents to give an appointment letter to the petitioner pursuant to the selection list.

2. The facts which have led to the filing of the above writ petition are set out hereinbelow.

2.1. The petitioner had applied for the post of Constable in the Railway Protection Force pursuant to the notification dated 23.02.2011 issued by the Railway Recruitment Board. The petitioner had appeared for the written examination that was held

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on 16.06.2013 in Secunderabad, having Roll No.3121000383. The petitioner had cleared it and was called for Physical Efficiency Test which was conducted in the RPF Training Centre, Thiruchirapalli, on 02.03.2014. After completing the Physical Efficiency Test, he was called for viva voce and certificate verification. Thereafter, he was selected for the medical examination initially at Salem and thereafter, at Pothanor, Coimbatore. He had also appeared before the Pothanor Medical examination centre on 04.06.2014 and gone through the medical examination. Therefore, he became eligible for being selected as Constable in the Railway Protection Force.

2.2. The total number of vacancies on the date of notification was 11,952, out of which, 785 posts under the category of Constable were available and allotted to the Southern Railway which fell under the control of the Chief Security Commissioner, Southern Railway, Chennai. Despite clearing all the initial tests, the petitioner had not received any appointment letter.

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2.3. Therefore, he addressed a representation to the Chief Security Commissioner, Southern Railway, under the RTI Act and there was no response to the same. After the lapse of four months from the date of the publication of the shortlisted panel, in which, the petitioner's roll number was found, he came to learn that the appointment letters were given to other shortlisted candidates.

2.4. Thereafter, he had sent letters dated 19.11.2014 under the RTI Act to the Chief Security Commissioner, RPF, Southern Railway, Chennai and Chief Security Commissioner, RPF, Eastern Railway, Kolkata, demanding reasons for not giving him the appointment letter. Since there was no proper response to the above requests, the petitioner had sent a letter dated 10.01.2015 to the Appellate Authority-cum-Chairman, Gorakhpur. Since all these efforts made by the petitioner were in vain, he had come forward

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with the present writ petition.

2.5. The second respondent had filed a counter, in which, it is stated that the petitioner had secured a total of 60.46 marks out of 130 marks which is 46.51% of total marks. It is contended that qualifying in the earlier stages of the selection does not mean that the petitioner would be selected in the final stage of selection. The final selection is done among the qualified candidates according to the cut off merit/marks. The petitioner's cut off mark was 46.51% and though the cut off mark for OBC category was fixed as 45%, the petitioner was not selected according to their merit/seniority and available vacancies.

2.6. In the original counter, the respondents had not spelt out the actual reason as to why the petitioner had not received the appointment letter, though he had qualified in all preliminary tests.

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2.7. The additional counter was, thereafter, filed by the second respondent, in which, it is contended that the petitioner had secured 48.62% (normalised) in the Written Examination. The above marks have been given based on the scanning of OMR sheet and it is made clear that it will be subject to the manual checking of OMR sheet as per the procedure followed for selection process. The respondents would contend that during the manual checking of OMR sheet, it was found that the petitioner had given two answers for Question No.90 and a correction has been made by him. The petitioner had bubbled 2 options *viz.,* B and C and corrected option C. This was not reflected when OMR sheet was scanned. However, during the manual checking of OMR sheet, this anomaly was found and hence, 1.25 marks were deducted. When 1.25 marks were deducted, his percentage got reduced to 47.37% which was below the 47.78% (normalised) for OBC category. Therefore, the petitioner was Not Qualified for the final list.

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3. The learned counsel for the petitioner would fairly submit that the only issue is the deduction of this 1.25 marks from the petitioner's total marks in his written examination.

4. The learned counsel appearing for the respondent would submit that even if this 1.25 marks are awarded to the petitioner, he is still not qualified since the candidates who have been selected had secured more than the petitioner's marks.

5. The list of OBC candidates has been provided for the scrutiny of this Court. A perusal of this list would clearly indicate that the persons who have secured more marks than the petitioner have been selected. Therefore, the request of the petitioner cannot be acceded to.

Accordingly, this writ petition is dismissed. Consequently,

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connected W.M.P. stands closed. No costs. However, the dismissal of this writ petition does not stand in the way of the petitioner making a representation to the first respondent, considering the fact that in all other aspects, he is qualified.

27.06.2024

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
ssa

To

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P.T.ASHA, J.,

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