

(2021) 01 CAT CK 0058

In the Central Administrative Tribunal

Case No : Original Application No. 3169 Of 2016, Miscellaneous Application No. 2702 Of 2020, 3388 Of 2017

Razveer Singh

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 25-01-2021

Acts Referred:

Citation : (2021) 01 CAT CK 0058

Hon'ble Judges : L. Narasimha Reddy, J;A. K. Bishnoi, Member (A)

Bench : Division Bench

Advocate : Siddharth Tewari, Shailendra Tiwary

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J

1. The Railway Recruitment Board issued notification in the year 2013, proposing to select candidates for quite large number of Group 'D' posts.

An examination was held in this behalf through the medium of OMR sheets. The applicant responded to the notification and took part in the

examination. However, his candidature was rejected on the ground that he violated the conditions stipulated for the examination. Through a

communication issued in this behalf, the respondents rejected the representation made by the applicant. This OA is filed with a prayer to set aside the

rejection letter and for a direction to the respondents to consider his case on the basis of the marks secured by him in the examination.

2. Respondents filed detailed counter affidavit. It is stated that the examination was conducted through OMR sheets and in the instructions to the

candidates, it was clearly mentioned that they must not resort to cutting or

erasing of any entries. According to the respondents, the applicant has resorted to cutting as well as erasing and accordingly his candidature was rejected.

3. We heard Shri Siddharth Tewari, learned counsel for applicant and Shri Shailendra Tiwari, learned counsel for respondents.

4. The applicant took part in the examination conducted by the respondents. In the OMR sheet itself, the candidates are put on notice that any cutting

or erasing of the entries would lead to cancellation of candidature. Condition Nos. 5, 7 & 12 amongst others, become relevant, and they read as

under:-

5. Carefully fill up all the necessary particulars in the answer sheet. Change of answer sheet is not permitted.

7. Darken the circles corresponding to your community, Centre Code, Control No., Roll number & Question booklet number against Box No. 11, 13,

14, 15 & 16 very carefully.

12. Failure to adhere to instructions above will render your answer sheet as invalid and it will not be evaluated.

5. In the impugned communication, it was mentioned that the candidature of the applicant is rejected on account of violation of the examination

conditions. It was elaborated in the detailed order, wherein it was mentioned that the applicant has done excessive cutting and erasing. A xerox copy

of the OMR sheet of the applicant is filed as Annexure-R/2. We have also summoned the original. From a perusal of the original, it is evident that the

applicant has done cutting of the entries in respect of the centre. Even if that is to be treated as inconsequential, there is erasure in the control number

as well as the answer to the question No.45. The second of erasure is so serious that at the relevant place, a hole has emerged. Though the learned

counsel for applicant submits that at the most, his client can be denied the marks for question No.45, we are not convinced about it. Once there is

violation of conditions, the consequences thereof cannot be confined to the relevant question, as regards which, the deviation was attempted.

6. We do not find any merit in the OA and the same is dismissed accordingly. Registry shall return the original OMR sheets to learned counsel for the

respondent.

Pending MAs, if any, shall stand disposed of.

There shall be no order as to costs.