

BEFORE

HON'BLE MR. JUSTICE RANJAN GOGOI

Heard Mr. B. Chakraborty, learned counsel for the petitioners. Also heard Mr. J. Singh, learned Senior counsel appearing for the respondents.

2. Forty three posts of Assistant Sub Inspector in the Railway Protection Force in the N. F. Railway was required to be filled up by a limited departmental competitive examination. The petitioners, 26(twenty six) in number, were candidates in the said examination. They took part in the written examination but did not qualify for the next round of the selection process i.e. practical/physical test. Aggrieved, this writ petition has been filed.

3. Three main contentions in support of the challenge made has been urged. Relying on the provisions of Rule 71.1 of the Railway Protection Force Rules, 1987 (hereinafter referred to as the Rules), the learned counsel for the petitioner has contended that the petitioners have been disqualified by actions contrary to the provisions of the said Rule. The second argument advanced is that the petitioners were made to write the written examination by sitting on the ground/floor of an indoor stadium which had affected the performance in the examination. The third and the last contention advanced is that some of the questions of the examination were known from before as some candidates were found discussing the possible answers before the commencement of the examination.

4. To controvert the submissions advanced on behalf of the petitioners, Mr. Singh, learned Senior counsel for the respondents, has placed before the Court the affidavit filed by the respondents in the case. In so far as the first ground urged is concerned, the learned counsel for the respondents has submitted that candidates who had secured 16 marks and above in the written test were called for the practical/physical test. This is because candidates who had secured less than 16 marks would not have qualified for the interview even if they had secured the full marks (20) allotted for the practical/ physical test. In this regard, the learned counsel has pointed out that under Rule 71.1. the qualifying marks for the interview on the basis of the written examination and practical/physical test is 36.

In so far as the second ground urged by the petitioners is concerned, Mr. Singh, has submitted that the written test was held in the indoor stadium at M. aligaon, Guwahati and in another Centre in New Jalpaiguri. As per prevailing practice, arrangement was made for conduct of the written examination for all candidates. According to the learned counsel, all the candidates had taken the written examination in the same manner i.e. by sitting on the ground/floor. The petitioners, therefore, cannot be understood to have been at any disadvantage. The learned counsel has also drawn the attention of the Court to the relevant part of the counter affidavit of the respondents wherein the allegations of any leakage of the question papers or any irregularity in the conduct of the written examination have been denied.

5. Having noticed the respective pleadings and the arguments advanced on behalf of the contesting parties, it will be appropriate to now notice the provisions of Rule 71.1 and 71.2 of the Rules, which will be required to be considered by the Court. The provisions of the aforesaid Rules, therefore, are being extracted below:

71.1 Allocation of marks for written examination and practical test shall be as follows, namely -

	Maximum Marks	Qualifying Marks
(a) Written Examination	40	60
(b) Practical test including IT, PT and Riot Drill.	20	36

71.2 Candidates qualifying in the above test shall be subjected to a viva voce test for which marks may be awarded having regard to factors specified in the Directives, and the maximum marks shall be as follows, namely:-

	Maximum Marks
(a) Personality, comprehension, oral expression, temperament and response, social consciousness.	20
(b) Record of service	20

6. Under Rule 71.1, 40 marks have been allocated for the written examination and 20 marks for the practical/physical test i.e. a total of 60 marks. A candidate has to secure 36 out of the aforesaid 60 marks to qualify for the interview. The Rules do not specifically provide for any qualifying mark in the written examination to determine the eligibility of the candidates to participate in the next segment of the selection i.e. practical/physical test. In fact the Rules do not expressly contemplate any disqualification at the stage of the written test alone. However, if the authorities for good reasons and without causing any prejudice to any candidate decide to have a qualifying mark in the written examination so as to send a limited number of candidates for the practical/physical test, such a course of action, *ipso facto*, may not amount to an infraction of the Rules. The process of interpretation of the Rules has to be fair and reasonable and should not give rise to an absurd situation or an illogical result. The full marks allotted to the practical/physical test is 20 and the qualifying marks for interview is 36. In such a situation if the authority takes a decision that only those candidates who had secured 16 or more marks in the written examination will be called for the next round of selection i.e. practical/physical test, which had a total of 20 marks, such an action of the authority cannot be termed to be in breach of the Rules. Any candidate getting less than 16 marks in the written test, even if he secures the full marks in the practical/physical test, will not qualify for the interview under the Rules in force. If such a candidate, who in any case will not qualify for the interview is kept out from the practical/physical test, the purpose intended by Rule 71.1 of the Rules does not, in any way, stand defeated. That apart, no prejudice is caused to any such candidate by the course of action adopted. In the present case, from the compilation of result of the candidates placed before the Court, it is clear that all the 26 petitioners had secured less than 16 marks. The petitioners, therefore, in any event, would not have qualified for the interview, even if they were to secure the full marks in the practical/physical test.

7. Coming to the second issue involved, the Court cannot but express its surprise and distress with regard to the manner of the conduct of the written examination by no less an organization than the Indian Railways. Why the candidates were made to sit on the floor to write the examination which was to last for two hours defies a logical explanation. No explanation, in any event, is forthcoming except that all the candidates had taken the examination in the same manner. The candidates sitting in a competitive examination must be given all facilities to write the examination in as congenial an atmosphere as possible. Writing a two hour long examination, that too, in the narrative form, while sitting on the ground is a practice that the Court, unhesitatingly, deprecates. The authorities of the Indian Railways are directed to ensure better conditions for candidates participating in examinations for appointment i.e. public posts.

8. The disapproval of the Court with regard to the sitting arrangement for the conduct of the written examination is one aspect of the matter; whether the same would act as a vitiating factor in a situation where all the candidates took part in the written examination in a similar manner is another. All candidates who took the examination must be understood to have been at a disadvantageous position. The petitioners, therefore, cannot be singled out for any special treat

ment. The second ground urged, therefore, cannot be accepted by the Court to be sufficient to come to the conclusion that the written examination must be declared to be void on the said count.

9. The last issue in the case need not detain the Court. The pleadings with regard to the alleged anomalies in the conduct of the examination including a possible leakage of the question papers have been read and considered by the Court. Such consideration leaves the Court satisfied that the pleadings of the petitioners in this regard are wholly ambiguous, broad and lacking in material particulars. The said pleadings which have also been denied cannot sustain any argument that there was a leakage of question papers in the present case or that the written examination was conducted in an illegal or irregular manner.

10. The above discussion leaves the Court satisfied that the present is not a fit case for interference. The prayers made in the writ petition, therefore, are declined. The writ petition is, accordingly, dismissed. However, in the fact and circumstances of the case there will be no order as to cost.