

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 18951 of 2025

-
-
1. The Union of India through the General Manager, East Central Railway, Hajipur- Vaishali (Bihar).
 2. The General Manager (Personnel), East Central Railway, Hajipur- Vaishali (Bihar).
 3. The Senior Deputy General Manager (G), East Central Railway, Hajipur- Vaishali (Bihar).
 4. The Deputy General Manager (Law), East Central Railway Biscoman Bhawan, Near Gandhi Maidan, Patna (Bihar).

... .. Petitioner/s

Versus

Md. Salim Akthar Ansari, Male, Son of Md. Sagir Ansari, Stastical Inspector (Admin), Office of Deputy General Manager (G), East Central Railway, Hajipur (Bihar).

... .. Respondent/s

Appearance:

For the Petitioner/s : Mr. Kumar Priya Ranjan, Sr. CGC
Mr. Ram Tujabh Singh, CGC

For the Respondent/s :

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

and

HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

Date: 09-12-2025

The present writ petition has been filed against the order dated 05.03.2025 passed by the learned Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as the 'Ld. C.A.T.') in O.A. No. 050/00005/2017 whereby and whereunder the said Original application filed by the respondent herein has been allowed, the impugned order dated 10.01.2017 passed by



the petitioners rejecting the representation of the sole respondent has been set aside and the petitioners have been directed to proceed as per the provisions contained in Rule 223 of IREM Vol. I with regard to Supplementary Selection/Suitability Test and complete the whole exercise of selection *qua* the respondent within a period of 3 months of the date of receipt of the order.

2. The brief facts of the case are that the office of the General Manager (Personnel), East Central Railway, Hajipur, District – Vaishali (Bihar) *i.e.* the petitioner No.2 had issued a notification dated 09.03.2016 for holding selection for forming a panel of Chief Law Assistant under 60% promotional quota for 12 vacancies. The respondent had then submitted his application, whereafter the petitioner No.2 had published a list of eligible persons on 17.05.2016 in which the name of the respondent appears at Serial No.5. Thereafter, the petitioner No.2 had issued another letter dated 13.06.2016 whereby the date of written examination had been scheduled for 30.06.2016 and the respondent had also appeared in the said examination. In the meantime, before publication of the result of the written examination held on 30.06.2016, the Railway Board, New Delhi had approved the name of the respondent for his posting/transfer to Saudi Arabia as Haj Assistant with effect from 21.07.2016



vide order dated 18.07.2016 where he remained up to 18.09.2016. After returning back from Saudi Arabia, the respondent had met with a road accident on 21.09.2016 and he remained indisposed from 21.09.2016 to 17.11.2016. However, in the meanwhile the earlier written examination held on 30.06.2016 was cancelled *vide* order dated 25.07.2016 and fresh examination was held on 23.08.2016 against the aforesaid selection process notified *vide* notification dated 09.03.2016, wherein three persons were declared to be successful as against 12 vacancies. The respondent is stated to have filed a representation on 13.12.2016 *inter alia* stating therein that neither he has received any intimation about cancellation of the examination nor he has received any intimation about holding of fresh examination nor any supplementary examination has been conducted till date, however *vide* letter dated 26.12.2016 issued by the petitioner No.2, a decision was taken to hold *viva voce* test on 04.01.2017. Thereafter, the respondent had approached the Ld. C.A.T. by filing the connected original application for cancelling the order dated 26.12.2016 as also for directing the petitioners to hold a fresh written examination for all including respondent herein and accordingly publish fresh result.

3. It is the contention of the learned counsel for the



petitioners that written examination was held on 30.06.2016 in which the respondent had also appeared, however the same was cancelled on account of administrative reasons with intimation to all concerned and then the date of examination was re-fixed for 23.8.2016 with due intimation to all the concerned departments, however the respondent did not appear in the re-examination. As far as the representation of the respondent dated 13.12.2016 for holding re-examination is concerned, it is submitted by the learned counsel for the petitioners that since the respondent was on deputation at Saudi Arabia for Haj duty from 26.07.2016 to 18.09.2016, the said representation was disposed on 10.01.2017 on the basis of paragraph No. 15.2.1 of the Master Circular No. 68 wherein it has been mentioned that in general selection there is no scope for holding any supplementary examination. It is stated that the final result of the aforesaid selection process has been published *vide* letter dated 10.01.2017. Hence, it is submitted that since the respondent had volunteered for Haj duty on deputation, he could not appear in the re-examination held on 23.08.2016, thus there is no infirmity in the decision of the petitioners, as contained in letter dated 10.01.2017, whereby the representation of the respondent to hold re-examination has been rejected.



4. We have heard the learned counsel for the parties and perused the materials on record. The facts of the present case lie in a narrow compass inasmuch as the petitioner No.2 had issued a notification dated 09.03.2016 for holding selection for forming a panel of Chief Law Assistant under 60% promotional quota for 12 vacancies, whereafter the examination was held on 30.06.2016 but the same was unfortunately cancelled and then re-examination was held on 23.08.2016, however, the respondent could not appear in the said examination since firstly, he was not having any knowledge about the same and secondly, during the said period he was on deputation to Saudi Arabia on Haj duty.

5. At this juncture, we deem it fit and proper to quote paragraph No. 15 of the Master Circular No. 68 herein below:-

“15. SUPPLEMENTARY EXAMINATION

15.1 Selection for 70% vacancies

15.1.1. Not more than one supplementary selection should be held to cater to the absentees. While holding the supplementary selection all care and caution should be exercised to ensure that employees who did not avail of the main selection are provided the opportunity at the supplementary selection. Measures to notify the employees either for the main selection or the supplementary selection, particularly in cases where employees are serving outside the Railway including employees on



deputation should not be routine.

(Para 207 1 of IREM)”

6. We would also refer to Rule 223 of the IREM, Vol.1

which is quoted herein below:-

"223. Supplementary Selection/Suitability Test

1. (i) A supplementary selection may be held in the following types of cases:-

(a) summons for interview being received too late by the candidates making it difficult for him to reach the place of interview;

(b) Administration's failure to relieve him in time for interview;

(c) Sickness of the candidate or other reason over which the employee has no control. Unavoidable absence will not however, include absence to attend a wedding or similar function or absence over which he has controlled. Sickness should be covered by a specific service from the Railway Medical Officer.

(ii) The supplementary meeting of the Selection Board should as far as possible be attended by the same Officers who were present at the first Selection Board and held within one month of the first selection or the return to duty of the employee concerned provided that the employee returned to duty not later than three months after the holding of the first selection. In case the return of the employee is delayed beyond three months, the result of the selection need not be deferred, the name of the employee being incorporated as if he had appeared at the selection when first held. The employee will not be eligible to be



considered if he returns to duty more than six months after the date of the first selection.

(iii) Not more than one supplementary selection should normally be held to cater to the needs of absentee due to sickness, non-intimation/late intimation of dates of tests etc. The second supplementary selection should be held rarely and with the personal approval of Chief Personnel Officer based on merits of each case.

II. For non-selection post, if an employee is unable to appear in a suitability test within a period of six months due to reasons beyond his control, such as prolonged illness, he should be subjected to supplementary suitability test within a reasonable-period after return to duty and being found suitable for promotion, he should be assigned proforma seniority position vis-a-vis his juniors promoted earlier."

7. A bare perusal of paragraph No. 15 of the Master Circular No. 68 as also Rule 223 of IREM, Vol. I would show that there is provision for holding supplementary selection on account of various reasons which also includes sickness of the candidate or other reasons over which the employee has got no control. Now coming back to the present case, we find that the respondent was holding the post of Statistical Inspector (Administrative), E.C.R. Headquarter and he had applied for the post of Chief Law Assistant/Law Superintendent, pursuant to issuance of notification dated 09.03.2016 and though he had appeared in the initial examination held on 30.06.2016, which



was later cancelled, however he could not appear in the re-examination held on 23.08.2016, inasmuch as firstly, it is the claim of the respondent that no information about re-examination was given to him, secondly the respondent was on deputation to Saudi Arabia from 21.07.2016 to 18.09.2016 and thirdly, he had met with a road accident on 21.09.2016, as such he had remained indisposed from 21.09.2016 to 17.11.2016. Therefore, we find that the petitioners could have held at least one supplementary selection/test/examination, as has been envisaged in the aforesaid Master Circular/Rule so as to not deprive the respondent of an opportunity of promotion without any fault on his part.

8. Having regard to the facts and circumstances of the case and for the foregoing reasons, we do not find any error much less any illegality in the observation made by the Ld. C.A.T. with regard to holding of supplementary selection/suitability test in terms of paragraph No. 15 of the Master Circular No. 68 and Rule 223 of the IREM, Vol. I, thus the present writ petition stands dismissed being bereft of any merit.

9. At this juncture, the learned counsel for the petitioner submits that the Ld. C.A.T. by the impugned judgment dated 05.03.2025 had prescribed three months' time for completing



the exercise pertaining to holding of supplementary selection/ suitability test and taking consequential action, however the said period has already stood expired, hence the petitioner be granted further three months from today for the said purpose. Time, so sought, is granted.

(Mohit Kumar Shah, J)

(Soni Shrivastava, J)

GAURAV S./-

AFR/NAFR	AFR
Uploading Date	16.12.2025
Transmission Date	NA

