CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 1130 of 1996

with

O.A. No. 1131 of 1996

(10)

New Delhi this the 5th day of December, 1996

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)
HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

O.A. No. 1130/1996

Shri Maneesh Garg
S/o Dr. V.K. Garg,
R/o A-119, Shivalik Near Malviya Nagar,
New Delhi-110 019. ...Applicant

By Advocates S/Shri K.C. Mittal and Harvir Singh

Versus

1. Union of India
Ministry of Personnel, Public Grievances and Pensions,
Department of Personnel & Training,
North Block,
New Delhi.

2. Union Public Service Commission,
Dholpur House,
Shahjahan Road,
New Delhi.

3. Ministry of Home Affairs, GOI,
North Block,
New Delhi
through its Secretary.

4. Director,
Sardar Vallabh Bhai Patel National
Police Academy,
Hyderabad. ...Respondents

O.A. No. 1131/1996

Shri Rajeev Kumar Meena
S/o Shri B.S. Meena
R/o 7/141 Lodhi Colony,
New Delhi-110 003. ...Applicant

By Advocates S/Shri K.C. Mittal and Harvir Singh

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Shri V.S. R. Krishna, Counsel for respondent No.1. in both the O.As.

Shri P.H. Ramchandani, Sr. Counsel for respondent No.2 in both the O.As.

Shri Madhav Panikkar, Counsel for respondent No.3 in both the O.As.

ORDER

Hon'ble Mr. K. Muthukumar, Member (A)

The applicants in these cases, candidates for the Civil Services Examination, 1995 are aggrieved by the rejection of their candidature for the aforesaid examination by the respondent No.2, i.e., Union Public Service Commission (hereinafter referred to as the UPSC). Since the facts in respect of these

applicants and the reliefs prayed for are similar, these applications are heard together and are disposed of by this common order.

2. The facts in these applications briefly stated are as follows:-

The applicant in OA No.1130 of 1996 a successful candidate in the Civil Services Examination, 1993 (hereinafter referred to as CSE 1993), was allotted to Indian P&T Accounts & Finance Service. Prior to his final allocation communicated to him by the respondents letter dated 29.3.1995, he was given permission to abstain from the foundation course by the order dated 29.9.94 itself. In the meanwhile, he applied for the Civil Services (Preliminary) Examination, 1995, the last date for which was 28.2.95.The offer of appointment to the said service was not accepted and he declined the offer finally and tendered his resignation by his letter dated 16.5.1995 which was also accepted by the concerned Cadre Controlling Authority on 26.5.1995. On the basis of an earlier application, the applicant was also a candidate for Civil Services Examination (hereinafter referred to as CSE, 1994) and on being successful in the examination, was tentatively allocated to the Indian Police Service and he sought abstention from joining the foundation course by his letter dated 22.8.1995. The applicant took the Civil Services (Preliminary) Examination, 1995. After qualifying in the preliminary examination, he was admitted to the Civil Services (Main) Examination,

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1995 on a provisional basis subject to his being found eligible under Rule 4-b of the CSE 1995 Rules. He qualified in the Civil Services (Main) Examination, 1995. By the impugned order of the second respondent dated 27.12.1995, he was informed that his candidature for Civil Services Examination, 1995 was cancelled. While his request for abstention from joining the foundation course on the basis of his tentative allocation to the Indian Police Service was pending, he was informed by the respondent No.3, i.e., Ministry of Home Affairs by a Telegram dated 22.12.1995 that he was required to join the Indian Police Training at SVP National Police Academy, Hyderabad on 27.12.1995. He was also informed that if he was not a candidate for the Civil Services (Main) Examination, 1995 and if he failed to join the Probationary Training at SVP, National Police Academy at Hyderabad by the said stipulated date or had not obtained permission by the Department of Personnel & Training for abstaining from Probationary Training as envisaged under second proviso to Rule 4(b) of the CSE Rules, 1995, he would have no claim for appointment to the IPS on the basis of the Civil Services Examination, 1994 and his candidature to the said service would stand cancelled without any notice. He was also informed by the impugned order dated 27.12.1995 of the UPSC that his candidature for the Civil Services (Main) Examination, 1995 had been cancelled for non-compliance with the requirement of Rule 4-b. He

was, however, informed that if he joined the Probationary Training for IPS on the basis of CSE, 1994, he would become ineligible toappear at any future Civil Services Examination. On receipt of this communication, the applicant, not having received any exemption from joining the foundation course on the basis of his allocation to IPS with reference to Civil Services Examination, 1994, joined the IPS Probationary Training by the due date. Aggrieved by the order cancelling his candidature for CSE, 1995, the applicant has filed this application praying that the impugned order dated 27.12.1995 and the subsequent order dated 2.5.96 passed by the respondent be quashed. As an ad interim measure, the respondents were directed by this Tribunal to allow the applicant to appear in the interview/personality test provisionally subject to further directions, in case he had qualified for that in the Civil Services (Main) Examination, 1995, to which he was provisionally admitted.

3. In the case of the applicant in OA No. 1131 of 1996, the facts are more or less similar as in the case of the applicant in O.A. No 1130 of 1996 except that applicant here was selected for Indian Information Service on the basis of Civil Services (Main) Examination, 1993 and on the basis of provisional allocation to the aforesaid service, had applied for the C.S.E., 1995 and subsequently resigned from the aforesaid service after his final allocation to the said service. He was also

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successful in the C.S.E., 1994 and was allotted to the Indian Police Service and had also sought, like applicant in OA 1130/1996, exemption from joining the Probationary Training in order to appear at the Civil Services Exaination, 1995. By the direction of the respondent No.3 by the Telegram dated 22.12.1995, he was required to join the training at SVP National Police Academy at hyderabad on 27.12.1995 and in case he was a candidate for the Civil Services (Main) Examination, 1995, he was required to seek permission to abstain from joining the training for the IPS from the respondent No.1 in terms of second proviso to Rule 4 of the Civil Service Examination Rules. He was also informed that if he did not join by the stipulated date or had also not obtained permission to abstain from the Probationary TRaining for IPS, he would have no claim for appointment to the IPS on the basis of the Civil Services Examination, 1994, i.e., in other words both the applicants have been given identical instructions by the respondent No.3. The applicant in this O.A. was also provisionally permitted to appear in the CSE (Main) 1995 and, by the order of this Tribunal, was also allowed to participate in the interview in case he qualified for the said interview on the basis of the Civil Services (Main) Examination, 1995. As the applicants could not obtain the requisite permission for abstention from joining the Probationary Training for IPS, both the applicants joined the training at the

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SVP National Police Academy, Hyderabad. Subsequent to their joining, the applicant No. 1 in OA 1130 of 1996 was granted permission to abstain from joining the training by the first respondent by their letter dated 22.3.1996 and the applicant No.2 in O.A. 1131 of 1996 was granted permission by the respondent No.1, DOPT's letter dated 1.2.1996. In both the cases, their candidature has been cancelled by respondent No.2 on the ground that they have violated the second proviso(b) to Rule 4 of the Civil Services Examination Rules, 1995.

4. The applicants have now prayed for the revival of their candidature for the Civil Services (Main) Examination, 1995. Respondent Nos. 1 and 2 have filed separate replies, to which we will advert later in the order.

5. The main contention of the applicants are as follows:-

(i) The applicants were given only provisional allotment of service on the basis of the results of CSE, 1993 at the time when they applied for Civil Services Examination (Preliminary), 1995. In the absence of final allocation, they could neither get their allocation cancelled nor could have resigned from the service/ post.

(ii) Immediately after the receipt of their final allocation, they had resigned their appointments from the respective services.

(iii) Debarring the candidates from applying for Civil Services (Preliminary) Examination, 1995, on the basis of Rule 4-b and also on the basis of

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tentative allocation will be arbitrary and unreasonable as this will have the effect of reducing the number of chances and is against the principles of natural justice.

(iv) Although they were allocated to the IPS on the basis of CSE, 1994 provisionally, they sought for exemption from appearing in the Probationary Training of IPS well intime and even as late as in December, 1995, they were not given the necessary permission, while on the other hand, the respondent No.3, i.e., Ministry of Home Affairs was directing them to join the Probationary Training course at SVP National Police Academy, Hyderabad on or before 27.12.1995 unless of course they have secured permission to abstain from the course. In the case of the applicants, the second respondent has informed them of the cancellation of the candidature on the alleged violation of second proviso (b) to Rule 4. Thus while they had resigned from the service to which they were appointed on the basis of CSE, 1993, their candidature for 1995 examination was also cancelled by the second respondent and in the absence of the permission of respondent No.1 for their abstention for training in the IPS which was not forthcoming, they had no other choice except to join the Indian Police Service on the basis of the instructions of respondent No.3.

(v) In view of the aforesaid circumstances which compelled them to join the IPS, the mere fact that they joined the IPS for Probationary Training should

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not be held against them for considering their candidature for CSE, 1995, particularly when they were subsequently given such exemption from joining the training for IPS by the letters of the respondents dated 22.3.96 and 1.2.96 respectively.

7. The learned counsel for the applicants argued that the candidature of the applicants for CSE, 1995 was cancelled by the respondent No.2 solely on the ground that they had violated the provisions of second proviso to Rule 4(b) which deals only with the CSE allocation to service on the basis of CSE, 1993 or of earlier years. He stronlgy relied on the decision in P.N. Pandey Vs. U.O.I - OA 1442/95 and argued that so long as it was admitted that the applicants had not been given final allocation before their application to Civil Services(Preliminary)Examination, 1995, their candidature could not be held to be invalid merely on the ground of their being tentatively allocated to the respective service for the aforesaid examination. The learned counsel for the respondent No.2 argued on the other hand that what is relevant to be considered here is that the applicants have violated the provisions of Rule 4(a) also inasmuch as they have joined the IPS on the basis of the Civil Services Examination, 1994 and they had not obtained permission to abstain from the said Probationary Training for IPS in order to enable them to appear at the CSE, 1995. The fact that they were subsequently granted exemption from joining the Training by

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respondent No.1 would not be of any avail as they had actually joined the IPS and had been appointed to the said service. The day they joined the training at the SVP National Police Academy, Hyderabad, they have become members of the IPS by virtue of their joining the Training and, therefore, their candidature for subsequent examination becomes invalid. The learned counsel for the respondents strongly argued that while upholding the second proviso to Rule 4 of the CSE Rules, 1986, as it stood then, the Apex Court held in **Mohan Kumar Singhania and Others Vs. U.O.I. & Others, ATC 1992(2) page 881** that there was a dynamic nexus between the impugned second proviso and the object to be achieved and the object was that once a probationer is selected and appointed to service and sent for training, he should be debarred from appearing in the ensuing Civil Services Examination so that he could fully devote to the training and could take it more seriously and, therefore, the said proviso was introduced so as to prevent IPS officers and Group 'A' from joining the Training at the Academy in case they intend to take any Civil Services Examination and these measures were taken for making training more effective. The learned counsel, therefore, argued that it is only on the basis of above principle that the respondents are disqualifying the candidates from any subsequent Civil Services Examination once they have accepted the allotment of the earlier years and joined the service and the training for the purpose.

8. Rebutting the arguments of learned counel for the respondent No.2, the learned counsel for the applicants contended that Rule 4(a) of the said Rules would have no application at all, as the applicants had been denied their candidature for CSE 1995 on the ground of violation of Rule 4(b), in the impugned orders: Besides, the learned counsel argued that Rule 4(a) will come into operation only when the candidates take the CSE, 1995, after taking exemption from joining the training for service allotted on the basis of CSE, 1994, and by operation of this Rule, will have the option to elect either service on the basis of CSE, 1994 or on the basis of allotment to a service in CSE, 1995. Such a situation has not arisen at all as the applicants' candidature itself for CSE, 1995 had been cancelled by the impugned order.

9.. We have heard the learned counsel for the parties and have carefully perused the records.

10. Although the applicants have challenged the vires of Rule 4-(b) of the Civil Services Examination Rules, 1995, we do not consider it necessary to go into this question as an identical rule for CSE 1994 was held to be valid and legal by the decision of this Tribunal in Pashupati Nath Pandey Vs. U.O.I. and Another - O.A. No. 1442 of 1995 decided on 28.2.1996. Second proviso to Rule 4(b) of the Civil Services Examination Rules, 1995, reads as follows:-

"4(b) A candidate allocated or appointed to

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the IPS/Group 'A' service/post on the basis of the Civil Services Examination held in 1993 or earlier years shall not be eligible to apply for Civil Services (Preliminary) Examination to be held in 1995; unless he first gets his allocation cancelled or resigns from the service/post".

11. In the jugment in P.N. Pandey (Supra), it was held that the word "allocated" referred to in the aforesaid rule as it was applicable in the case of CSE Rules, 1994, which is exactly identical to the above quoted rule in respect of CSE Rules, 1995, has to be interpreted to mean "finally allocated". It is an admitted position that the applicants applied for Civil Services (Preliminary) Examination, 1995, before their final allocation to the respective services on the basis of the CSE, 1993. It is also an admitted position that both the applicants resigned from their appointments to the services to which they were finally allocated on the basis of CSE, 1993 in May, 1995. When they were provisionally allocated to IPS on the basis of CSE, 1994, they had requested for abstaining from the Probationary Training in August, 1995 and September, 1995 respectively. The respondent No.1, who is the competent authority to grant exemption to the applicants from joining the training course had granted them such permission only after about 3 months, i.e., in February, 1996 and March, 1996 respectively, while in the meantime, the respondent No.1 directed them to join the Police Training at SVP National Police Academy, Hyderabad by 27.12.1995 or obtain permission for abstaining from such

training. In the meanwhile, the respondent No.2 had also held that the applicants had not complied with the provisions of second proviso to Rule 4(b) inasmuch as they had applied for the Civil Services (Preliminary) Examination, 1995 before getting their allocation cancelled or resigned from the service to which they were allotted on the basis of CSE, 1993. In this situation, the applicants had joined the IPS Training. As far as respondent No.2, i.e., Union Public Service Commission is concerned, they have cancelled the candidature of the applicants for Civil Services Examination, 1995 as they found them to be ineligible under the second proviso to Rule 4(b) of the aforesaid rules.

12.. The respondent No.1, i.e., DOP&T in their separate counter-affidavit which is identical in both the applications have submitted that they have no objection if the relief prayed for by the applicants for reviving their candidature for Civil Services (Main) Examination, 1995 is allowed and the interim relief given by the Tribunal by their order dated 28.5.1996 is made absolute. The second respondent, i.e., UPSC, however, have strongly averred that the applicants were clearly told that they had violated the provisions of Rule 4(b) of the Rules inasmuch as they had not got the allocation to the respective services on the basis of CSE, 1993 Examiniation cancelled and had also appeared in the Civil Services Examination, 1995 without obtaining the exemption from the foundation course on the basis of the

allocation to IPS with reference to CSE, 1994. They had actually joined the Police Training and, therefore, had clearly forfeited their right for Civil Services Examination, 1995. The respondent No.2 submits that the applicants had accepted the allocation which was made on the basis of Civil Services Examination, 1993 and had informed thatthey would not join the foundation course as they were candidates for Civil Services Examination, 1994. The applicants had not raised at that time the issue of provisional allocation or final allocation when they sought permission from the Government to abstain from the foundation course on the basis of the allocation to the respective service with reference to Civil Services Examination, 1993. As far as CSE, 1994 is concerned, Respondent No.2 also submitted that the permission granted by the DOP&T, i.e., respondent No.1 to abstain from the Probationary Training to IPS even after they had joined the said training was not in consonance with the letter and spirit of Rule 4(b) and was also not consistent with the stand taken by the Department from time to time in certain other cases. The respondent No.2 has also sought to distinguish the cases of the applicants from that of P.N. Pandey (Supra) on the ground that while in the case of Pandey, he had not joined the service allotted to him, the applicants in the present case had actually joined the services allotted to them, i.e., to the IPS and, therefore, by virtue of their joining the IPS, they have forfeited their right to appear for

any future Civil Services Examination. (24)

13. We find that by virtue of the exemption granted though belatedly by respondent No.1 for abstaining from the Training to IPS, the applicant in O.A. No. 1131/1996 was also relieved from the probationary training with effect from 12.4.1994, Annexure A-10. No similar information is, however, available on record in the case of the other applicant (OA No. 1130/1996).

14. At this stage it is necessary to deal with the submission of the learned counsel for the respondent No.2 that the scheme and the policy objectives behind the scheme of putting restriction on such of those successful candidates who after joining the service on the basis of their success in the earlier Civil Services Examination is a very vaild objective and it has also been supported by necessary rules in this behalf at the time of the decision of Mohan Kumar Singhania's case (Supra). When Mohan Kumar Singhania's case (Supra) was considered by the Apex Court, Rule 4 of CSE, Rules, 1986 was examined by the Apex Court. It is necessary to reproduce the relevant portions of the aforesaid judgment. Their Lordships in answering questions (1) to (6), observed as follows:

> "33. At the threshold we will take up the main question about the vailidity of the second proviso to Rule 4 of the CSE Rules of 1986, which proviso is an additional one to the first proviso to Rule 4 and which applies only to the IPS and Central Services, Group 'A' selectees. This proviso consists of two

parts of which the first part enumerates certain conditions on the fulfilment of which alone, an allottee to IPS or Central Services Group 'A' on the basis of the results of the previous CSE will become eligible to reappear in the next CSE (Main) to improve his prospect with the hope of getting better position next year and joining in one of the more preferred services namely, IAS, IFS, IPS or Central Services Group 'A' subject to the conditions enumerated in Rule 17 of CSE Rules.

34. As per the first part of the proviso, the pre-requisite conditions which are sine qua non are as follows:

A candidate who on the basis of the results of the previous CSE-

(i) should have been allocated to the IPS or Central Services Group 'A';

(ii) the said candidate should have expressed his intention to appear in the next Civil Services (Main) Examinaiton for competing for IAS, IFS, IPS or CEntral Services Group 'A' subject to the provisions of Rule 17.

(iii) The said candidate should have been permitted to abstain from the probationary training in order to appear so appear.

35. The conditions in the second part of the proviso are as follows:

(i) If a candidate (who is permitted to appear in the CSE (Main) on fulfilment of the conditions, enumerated in the first part of this proviso, is allocated to a Service on the basis of the next Civil Services (Main) Examination, he should either join that Service or the Service to which he has already been allocated on the basis of the previous CSE.

(2) If the candidate fails to join either of the Services as mentioined in the first condition of this second part then his allocation to the Service based on one or both examinations, as the case may be, shall stand cancelled; and

(3) Notwithstanding anything contained in Rule 8, a candidate

(a) who accepts allocation to the Service and

(b) who is appointed to a Service shall not be eligible to appear again in CSE unless he has first resigned from the Service".

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From the aforesaid it is clear that CSE Rule, 1986 as it stood then, provided that notwithstanding anything contained in Rule 8, a candidate, (a) who accepts alloction to the service and (b) who is appointed to the Service shall not be eligible to appear again in the CSE unless he resigns first from the service.

15. The conditions attached to second part of the proviso to Rule 4 of the rule then existing, clearly mandated that a candidate who was appointed to a service would not be eligible to appear again in CSE unless he had first resigned from the Service. This proviso to Rule 4 was subsequently amended. In the CSE Rules, 1995, the second proviso to Rule 4 reads as under:-

> "4. Every candidate appearing at the examination who is otherwise eligible, shall be permitted four attempts at the examination, irrespective of the number of attempts he has already availed of at the IAS etc. Examination held in previous years. The restriction shall be effective from the Civil Services Examination held in 1979. Any attempts made at the Civil Services (Preliminary) Examination held in 1979 and onwards will count as attempts for this purpose:
>
> Provided that this restriction on the number of attempts will not apply in the case of Scheduled Castes and Scheduled Tribes candidates who are otherwise eligible.
>
> Provided further that :-
>
> (a) a candidate allocated to the IPS or a Central Service Group 'A' on the results of the Civil Services Examination, 1994 shall be eligible to appear at the examination being held in 1995 only if he has obtained permission from Government to abstain from probationary training in order to so appear. If in terms of the provisions contained in Rule 18, such a candidate is allocated to a Service on the basis of the examination being

held in 1995, he shall join either that service or the Service to which he was allocated on the basis of the Civil Services Examination, 1994 failing which his allocation to the Service based on one or both the examinations as the case may be, shall stand cancelled; and

(b) A candidate allocated or appointed to the IPS/Group 8A' service/post on the basis of the Civil Services Examination held in 1993 or earlier years shall not be eligible to apply for Civil Services (Preliminary) Examination to be held in 1995; unless he first gets his allocation cancelled or resigns from the service/post".

From this it is evident that the embargo clearly in force in the CSE Rule, 1986 restraining the candidate who accepts his allocation or is appointed to a Service from appearing in any future CSE, is not provided in the same manner in the present rules. Rule 4 (b) as amended and as in force in the CSE Rules, 1995, applies to a candidate who is allocated or appointed to the IPS/ Group 'A' Service on the basis of the Civil Services Examination, 1993 or of earlier years and makes him ineligible to apply for Civil Services (Preliminary) Examination to be held in 1995 unless he gets the said allocation cancelled or resigned from the appointment to the service or post. Taking allocation as the 'final allocation' in terms of the interpretation given in P.N. Pandey's case (Supra), we find that merely on the basis of the provisional allocation to a service on the basis of CSE, 1993, there can be no ineligibility for these applicants to apply for Civil Services (Preliminary) Examination 1995. In any case after the

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final allocation, these applicants had never joined the service and, in fact, had declined the offer of appointment from the services allotted to them and, therefore, in our view, they are not hit by second proviso to Rule 4(b) and, therefore, their candidature for CSE, 1995, cannot be cancelled on this score. As regards proviso 4 (a) relied upon by the learned counsel for the respondents, this proviso is applicable to a candidate allocated to IPS or Central Secretariat Group 'A' on the results of Civil Services Examination, 1994 and it is provided that he shall be eligible to appear in the examination being held in 1995 if he had obtained permission from the Government to abstain from the probationary training for IPS or Group 'A' Service, in order to so appear in CSE, 1995. It is also provided that subject to Rule 18, such a candidate if allocated to a service on the basis of the selection held in 1995, he shall join either that service or the service to which he was earlier allocated on the basis of CSE, 1994, failing which, his allocation to the service based on one or both the examinations as the case may be, shall stand cancelled. In the instant case, the applicants had applied for exemption from joining the probationary training in the IPS on the basis of CSE, 1994 but as no such permission was forthcoming, had joined the IPS and they were subsequently granted such exemption and in the

case of one candidate, he was even relieved from the Police Training to enable him to appear in the CSE, 1995. The exemption was sought for, much before the due date for joining the foundation course and also the training for the IPS but no permission was forthcoming and they were also informed of the cancellation of the candidature under Rule 4(b). We wanted to examine why such a permission had not been granted by the respondents for abstaining from such training for so long and we perused the records produced before us by respondent No.1 in this behalf. From the perusal of the record of the respondent No.1, we find that the question of grant of permission and exempting the candidates from joining the training course on the basis of CSE, 1994, was examined at great length. It was pointed out that although the final allocation in respect of the applicants for the CSE, 1993, was available in December, 1994, itself, they were informed of the final allocation only by letter dated 29.3.1995 of the first respondent. It was, therefore, held that the provisions of Rule 4(b) would not apply in these two cases for purposes of their application for the Civil Services (Preliminary) Examination, 1995. It was also noted by the respondent No.1 that the candidates had declined the offer of appointment on the basis of the service allocated to them in CSE, 1993, and it was also accepted by May, 1995 and accordingly, the applicants were

granted permission to abstain from foundation training on the basis of their allocation to the IPS in CSE, 1994 and this could be communicated to them only in March, 1996. We also find that the objections raised by the second respondent on the question of the applicants having joined the IPS prior to their being allowed abstention from such training, were also examined by respondent No.1 who had justified that the applicants had been rightly permitted to abstain from probationary training to the IPS on the basis of CSE, 1994 in other cases.

16. From the perusal of the departmental files of the respondent No.1 and the facts and circumstances of the case, we find that, in the case of the applicants, as far as their eligibility to apply for Civil Services (Preliminary) Examination, 1995 is concerned, they have not violated second proviso (b) of Rule 4; For one thing, they were granted final allocation on the basis of CSE, 1993 much later than the last date for the filing of the applications for CSE, 1995 and for another, they had also resigned from their appointment subsequently, sometime in May, 1995. Therefore, their candidature for CSE, 1995 is not hit by the provisions of Rule 4(b) as there had been no violation of the said rule in these cases. As regards the question of joining the Indian Police Service on the basis of CSE, 1994 before the grant

exemption from such training, we find that there is no direct and specific provision in the rules prohibiting the candidates from appearing in future Civil Services Examination once they actually joined the service on the basis of the results of the previous examination, for whatever reasons.

17. In the facts and circumstances of the case of the applicants, we also find that the applicants had been told that they had forfeited their right to appear in CSE, 1995 and the exemption they sought for joining the IPS was also not forthcoming and in the circumstances, there was perhaps no other choice for them except to join the IPS. In the light of these facts, we find that the impugned orders denying their candidature for CSE, 1995 cannot be sustained and, therefore, these orders are accordingly quashed. Since they have been provisionally permitted to appear in Civil Services (Main) Examination 1995 as well as in the interview, the interim orders are made absolute and the respondent No.2 is, therefore, directed to declare the final results of these candidates in the aforesaid CSE, 1995 forthwith.

18. With the above directions, the O.As. are allowed. In the circumstances, there shall be no order as to costs.

Let a copy of this order be placed in

both the case files.

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(K. MUTHUKUMAR)
MEMBER (A)

(MRS. LAKSHMI SWAMINATHAN)
MEMBER (J)

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Attested

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5/12/96
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