

Date: 15.3.1996
RA No. 5/96 in OA No. 1523/95

Present: 1. Shri B.S.Mor, counsel

This review application has been filed by the applicant in OA No. 1523/95 for review of the order dated 20.11.1995 rejecting the application at the admission stage itself on the ground that the order suffers from an error apparent on the face of it. Learned counsel for the applicant drew our attention towards concluding portion of the order dated 20.11.1995 wherein it has been observed as follows:

"The applicant has failed in the physical endurance test and he has not resorted to the provision of appeal given to him and hence the respondents are not at fault in this regard. In view of this submission, we do not find any merit in this O.A. It is dismissed at the admission stage itself".

After referring to this part of the order, learned counsel invited our attention towards the circular dated 13.6.1995 wherein at paragraph 4 stated as follows:-

"No appeal for rejection in race and high-long jump shall lie".

We agree that ~~while~~ holding that the applicant did not resort to the remedy of filing an appeal without adverting to the above quoted portion of the instructions, the order suffers from an error apparent on the face of it and that in the interest of justice the order ~~may~~ ^{has to} be reviewed and the matter may be heard again on admission.

(16) RA/2

We find considerable force in the arguments in rejecting of the order, the O.A. as also annexures thereto particularly the instructions dated 13.6.1995. we find that there was an inadvertent omission in passing the order in the OA rejecting the same. In the circumstances, the order of the Bench passed on 20.11.1995 is reviewed and the original application shall be restored to its original number and will be listed for hearing on admission on 11.4.1996.


(R.K. Ahooja)

Member (A)

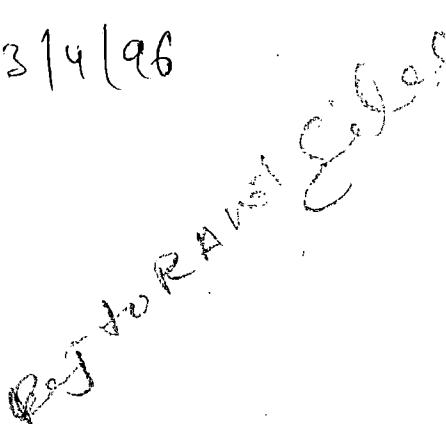

(A.V. Haridasan)

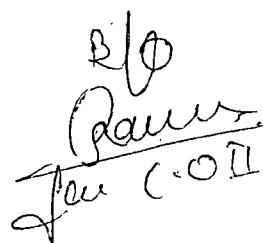
Vice-Chairman (J)


N.Y.

Due to full Bench: Adjudged to

23/4/96


A.V. Haridasan (J)


B/P
Ramu
for C.O.I