

5.10.1990

DA-1056/90

Present: Sh. Madhav Panikar, counsel for the applicant.

Sh. P. H. Ramchandani, counsel for the respondents

The interim order passed in this C.A. on 31st May, 1990 clearly speaks that the interim order will be subject to the final orders in O.A. 206/89 and batch of cases. That case has since been decided by the Division Bench of the Tribunal vide judgement dated 20th August, 1990. The validity of the 2nd proviso to Rule 4 as well as Rule 17 has been held. In view of the above, the interim order must go.

Learned counsel argued that after the applicant came out successfully in the Civil Services Examination, 1988, he was allocated to the Indian Information Service. He applied for appearing in the 1989 C.S.E., but he did not hear anything from the U.P.S.C. with the result that he could not sit in that examination. He, therefore, made a further attempt to sit in the C.S.E., 1990. In view of the fact that the Division Bench has decided the validity of proviso to Rule 4 of the C.S.E. Rules, one more attempt is to be allowed in the next examination. The fact that he could not sit in the 1989 examination is not relevant. Under the Rules he could only take the next examination in 1989 and cannot get another chance to sit in the 1990 examination. Similar argument has been raised in O.A. No. 1853/90 Jayant Kumar Basu and others Vs. Union of India and others.

We have indicated our views on the points raised in the above case. In view of this the C.A. has no merit and the same is rejected. ~~On the other side~~

*B.C. Mathur*  
(B.C. MATHUR)  
VICE CHAIRMAN (A)  
5.10.1990

*Amitav Banerji*  
(AMITAV BANERJI)  
CHAIRMAN  
5.10.1990