

O.A. No.121/2004.

09.03.2005.

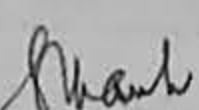
**Hon'ble Mr.Justice S.R. Singh, V.C.
Hon'ble Mr.S.C. Chaube, A.M.**

Sri Rakesh ^{Verma} counsel for the applicant. Sri K.P. Singh counsel for the respondents.

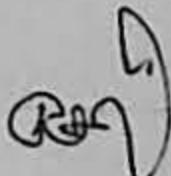
M.A. No.260/05 seeks amendment of the O.A. Learned counsel for the applicant however, submits that this M.A may be dismissed as withdrawn without prejudice to the merits of the pending amendment application. M.A. No.260/05 is accordingly dismissed as withdrawn.

M.A. NO.1069/05 seeks addition of certain facts, grounds and relief as stated in accompanying affidavit. Amendment, if allowed would alter the nature of the O.A. wherein the main relief was that the respondents be directed to consider the candidature of the applicant for appointment in the Indian Administrative Services against 15% quota prescribed for non-State Civil Services Officers under Rule 4 (1) (o) read with Rule 9 (1) of the Indian Administrative Service Recruitment Rules 1954 and Regulation 8 of the I.A.S (Appointment by Selection) Regulations 1997 in the light of the recommendation dated 28.12.1999. It appears that the respondents have declared the vacancy in the Non-State Civil Services as "NIL" and that order is sought to be quashed by means of the amendment application. We are of the view that it would be apt and proper if the applicant is advised to challenge the order regarding the determination of vacancy for Non-State Civil Services Officers by means of a separate OA.

Accordingly, Amendment Application as also the O.A. is dismissed without prejudice to the right of the applicant to file a fresh O.A. challenging the order regarding determination of vacancy for Non-State Civil Services Officers and claiming such other relief as may be open to him in law.


Member-A

Anand/-


Vice-Chairman.

or
by of order
deemed
M/14302