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Original Application No. 1429 of 1993

Anand Pratap Narain
Singh ::::: Applicant

Versus

Union of India and Others	Respondents
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Hon'ble Mr. Maharaj Din, Member 'J'
Hon'ble Mr. K. Muthukumar, Member 'A'

(By Hon'ble Mr. Maharaj Din, Member 'J')

The applicant has filed this application under Section 19 of the Administrative Tribunal Act, 1985 seeking the relief to quash the impugned order dated 31.3.1993 passed by respondent no.3 and to allow the applicant to appear in the Civil Services (Main) Examination, 1993.

2. The facts giving rise to this application briefly stated are that the applicant submitted application form to appear in the Civil Services(Prel.) Examination, 1993 to be held on 23.1.1993. The fees required to appear in the examination was paid through postal orders and the postal orders are alleged to have been submitted alongwith the application. The application form was received by respondent no.1 and the applicant was intimated about receipt of the application form with registration number 008229. The applicant received the impugned communication dated 31.3.1993 by which he was informed that -----

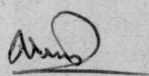
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his application form has been rejected as the requisite fees prescribed for examination was not paid. Therefore, the applicant approached the Court seeking direction ~~upon~~ the respondents to allow him to appear in the Civil Services(Prel.) Examination, 1993.

3. The respondents filed counter-reply and resisted the claim of the applicant inter-alia on the ground that no postal orders were stapled with the application form, as such the application form submitted by the applicant was not found in order. The impugned order dated 31.3.1993 was passed according to the rules framed for the purpose.

4. We have heard the learned counsel for the parties and perused the record.

5. On receiving the impugned order of rejection of the application form, the applicant filed a writ petition in the High Court of Judicature at Allahabad seeking the direction to the respondents to permit him to appear in Civil Services(Prel) Examination, 1993. The High Court issued the direction to the respondents to permit the applicant to appear in the said examination. ^{The} High Court decidedly had no jurisdiction to grant the relief in the matter of recruitments pertaining to Central Government Services. The applicant thus, was allowed to appear in the Civil Services(Prel.) Examination, 1993 pursuant to the order of ^{the} High Court which was without jurisdiction. The



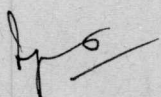
High Court on realising the mistake, passed another order directing the applicant to move application before the proper Court which has jurisdiction to grant the relief. There-upon, the applicant filed the present application before this Tribunal seeking the relief mentioned as above asserting that prescribed examination fees was duly paid through postal orders stapled with the application form. The respondents in their counter-reply denied the assertion of the applicant about payment of examination fees through postal orders. The applicant thus was not treated as eligible candidate to appear in the examination but, he was allowed by the Commission to appear in the Civil Services(Prel.) Examination, 1993 as well as in the main examination pursuant to the orders of Courts.

6. The applicant after having filed the application before this Tribunal has prayed for interim relief that his application form to appear in the main examination may not be rejected otherwise irreparable loss would be caused to him. This Tribunal issued the direction to the respondents considering the facts that the Union Public Services Commission had already issued the admission form to appear in the main examination, therefore, the direction was given that his application form may not be rejected and the applicant be permitted to appear in the Civil Services(Prel.) Examination, 1993 as well as in the interview also, he

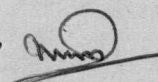
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Examination, 1993 subject to decision of this original application. Thus, the Commission allowed the applicant to appear in the main examination pursuant to order of the Court. The learned counsel for the respondents has argued that at no point of time, the applicant was admitted to appear in the preliminary examination or in the main examination as eligible candidate which apparently shows that he was not eligible candidate for want of payment of prescribed fees. During the course of arguments, learned counsel for the respondents has also said that no roll number was allotted to the applicant rather the registration number which usually is converted in roll number was communicated to him. The postal orders which are alleged to have been filed by the applicant pertaining to payment of examination fees are not still traceable in the office of Commission. We are, therefore, of the view that the Commission is justified in rejecting the application of the applicant. So, considering these facts and circumstances of the case, we are of the view that for all intents and purposes, appearance of the applicant in the Civil Services Examination, 1993 shall be treated as nullity and the application is accordingly dismissed with no order as to costs.



MEMBER (A)



MEMBER (J)

Allahabad, Dated 22nd July, 1994

/M.M./