

O.A. 876 of 1993

31.5.1993 Hon. Mr. Justice R.K. Varma, V.C

Hon. Mr. K. Obayya, Member(A)

Heard Sri K.K. Roy, learned counsel for the applicants.

The applicants numbering 5 submitted their applications for the Civil Services (Preliminary) examination, 1993 by registered post on 16.2.1993. Copies of the postal receipts are on record as (Annexure-A-1) to the application. It would appear that the applicants were also communicated about roll numbers assigned to them, but by subsequent communication, all the applicants were informed by U.P.S.C that their applications cannot be entertained as they were received after expiry of the last date prescribed for receipt of the applications.

*Mr  
KK Roy  
31-5-93*

The contention of the applicants is that all of them submitted their application well within time and if there was delay with the postal authority or somewhere, they were not responsible as they had no control as to what happened thereafter.

Issue notice to the respondents to show cause as to why this application may not be admitted. They may file reply within four weeks, rejoinder-affidavit if any, may be filed within two weeks thereafter. List this case on 15.7.93 for admission/hearing.

In the matter of interim relief, the respondents are directed to permit all the applicants to appear at the examination treating as if their

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applications have been received within time. The respondents are further directed to issue admit cards to the applicants well within time to enable them to appear at the examination. The candidature of the applicants however, may be treated as provisional and subject to the final decision of this case.

O.R.  
vide Court order  
on 31.5.93 Regd. notices  
issued to the Resps.  
vide despatch no.  
368 to 3688 on 11.6.93  
No reply has been  
filed so far  
Submttd.

1146193 (Uv)

The names of all the applicants may be mentioned in the order. A copy of this order may

be issued within 24 hours.

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A.M.

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Dated:- 15.7.93

Hon. Mr. A.K. Sinha, J.M.  
Hon. Mr. V.K. Seth, A.M.

Heard the learned counsel for the parties. The learned counsel for the respondents submits that since the date of receiving the applications appearing in the Civil Services (Preliminary) Examination 1993 has been extended upto 2.3.1993 and the applications of the applicant 00 applicants 000000 were received before that date and consequently, the applications have already been accepted by the U.P.S.C. So in that view of the 000000 matter, it has been submitted that these applications have now become infructuous. These facts are also admitted by the learned counsel for the applicant.

Consequently, considering the submission and in view of the facts that the applications of the applicants ~~as~~ have since been accepted by the U.P.S.C. as a result of the extension of the date for receiving the applications for appearing in the Civil Services (Preliminary) Examination, 1993, these applications have now become infructuous and the result, therefore, is that they are dismissed as infructuous.

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A.M.

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J. M.

J. M.