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O. A. No. 259 of 2007


Order dated 24.09.2008.

C O R A M:

THE HON'BLE MR.JUSTICE K.THANKAPPAN, MEMBER (J)
A N D
THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)

Rejection of the candidature of the Applicant under Annexure-A/3 on the ground of non-disclosure of two proper marks of physical identification in the application form to be eligible to appear at the selection/test pursuant to the advertisement under Annexure-A/1 is the subject matter of this Original Application filed under section 19 of the A.T.Act, 1985. The Applicant prays to quash the order of rejection under Annexure-A/3 and direct the Respondents to permit the Applicant to appear at the test on the date and fixed by the Respondents, along with others. By way of interim order, the Applicant has also prayed for a direction to the Respondents to permit him to face the test along with others.

2, On 17.08.2007 the matter came up for consideration on the question of admission and issuance of interim order. This Tribunal while ordering notice to the Respondents, as an interim measure, directed the Respondents to allow the applicant to participate in the selection test but directed that his result shall not be published without leave of this Tribunal.



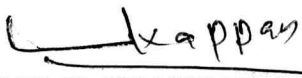
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3. The Respondents by filing counter, while contesting the matter on merit have pointed out that pursuant to the interim direction of this Tribunal, the Applicant was allowed to participate in the selection on the date and time fixed for the purpose along with others but he failed to come out successful.

4. Heard Learned Counsel for both sides and perused the materials placed on record. Relying on the decisions rendered by this Tribunal under Annexure-1 to the counter in OA Nos. 360 of 2007 and others, learned counsel appearing for the Respondents submitted that since unlike the applicants in those cases, the present Applicant became unsuccessful in the selection test conducted by the Respondents, this Original Application is liable to be dismissed in the light of the decision rendered by this Tribunal. Learned Counsel appearing for the Applicant has raised no objection to the same.

5. In view of the above, since the Applicant became unsuccessful in the selection test, there remains nothing further to be adjudicated in this OA. Hence, this OA stands dismissed by leaving the parties to bear their own costs.


(JUSTICE K. THANKAPPAN)
MEMBER (JUDICIAL)


(C.R. MOHAPATRA)
MEMBER (ADMN.)