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OA No. 350 of 2007
Jully Sethi Applicant
Versus
Union of India and Ors Respondents

Order dated 21.01.2010.

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)

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Challenging the letter under Annexure-A/3 rejecting the candidature of the applicant to appear at the test scheduled to be held on 7.10.2007 for the post of Jr. Trackman/Helper, the applicant has approached this Tribunal in the present Original Application. While directing notice to the Respondents to file counter, this Tribunal in its order dated 27.09.2007, as an interim measure, directed the Respondents-Railway to allow the applicant to participate in the examination but the result of the applicant in the said examination shall be kept in a sealed cover and produced in this Tribunal. Accordingly, the Applicant was allowed to participate in the selection held on 7.10.2007 and the Respondents while producing the result of the said selection of the applicant in a sealed cover by filing counter strongly object the maintainability of this Original Application on the ground of submission of two applications for one post in gross violation of the conditions stipulated in the advertisement. Though copy of the counter has been served on the Learned Counsel for the Applicant on 12.3.2008 no rejoinder has been filed by him.

2. None is present for the Applicant. Also no adjournment has been sought for and on his behalf. However, Mr.B.B.Patnaik, Learned Counsel appearing for the Respondents is present and with his aid and assistance perused the materials as also the result of the applicant produced by the Respondents in the sealed cover. Also heard him on the matter in *extenso*.

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It is seen that the applicant did not qualify in the written examination conducted by the Respondents in which he participated pursuant to the interim order of this Tribunal. In view of the above, we are of the opinion there is no necessity to go further into the subject matter of consideration in this OA. Accordingly, this OA stands dismissed by leaving the parties to bear their own costs.

K. Thankappan
(JUSTICE K. THANKAPPAN)
MEMBER (JUDICIAL)

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