

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 206/91
~~T.A. No.~~

199

DATE OF DECISION 21-4-92

KK Chithambaran Applicant (s)

Mr K Karthikeya Panicker Advocate for the Applicant (s)

Versus
The Superintendent of Post Offices,
Alapuzha Division, Alapuzha Respondent (s)
and others

Mr AA Abul Hassan, ACGSC Advocate for the Respondent (s) 1 & 2
and 25 & 26

CORAM :

The Hon'ble Mr. NV Krishnan, Administrative Member
and

The Hon'ble Mr. AV Haridasan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

Sh NV Krishnan, A.M

When this case was finally heard on 26.3.92 it was submitted by the counsel of both sides that a similar matter i.e., OA 163/91 has already been heard and reserved for orders and that ^{the} judgment in that case may be followed in deciding this application also.

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OA 163/91 has been disposed separately by us to-day. Following the judgment in that OA, we hold that the Annexure A2 notice stating that the examination in arithmetic will be of 10th Standard is not violative of the provisions of the Recruitment Rules, that the Annexure A3 Question Paper does not require to be quashed on the only ground that the first question was from Algebra which is outside the syllabus, because this mistake has been compensated by giving

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moderation marks, that the Annexure A4 and A5 selection tests are valid, that the Director General's Instruction dated 28.4.88 (Annexure A6) which prescribed Matric as the standard of the question paper is not violative of the Recruitment Rules. Accordingly, this application is dismissed.

3 During the pendency of this application, the applicant filed MP 1075/91 relating to the examination for 1991 with which a copy of the notice dated 25.7.91 in respect of that examination was enclosed as Annexure A7. We passed the following interim order in this MP on 6.9.91:

"3. In the result, the MP is disposed of with direction to the respondents that the applicant will be at liberty to take part in the examination to be held on 20.10.91 without prejudice his rights and claims put forward in the original application and that the result of the examination, if held, will be subject to the outcome of this original application."

4 A similar MP was filed in OA 163/91. We have held in that case that if the applicants therein ^ewere aggrieved by the notice relating to the examination of 1991, they should have suitably challenged it in ~~an~~^a appropriate legal proceedings. That decision applies to this case also. In the circumstance, we vacate the interim order passed by us on 6.9.91 preserving the liberty of the applicant to challenge the Annexure A7 notice by appropriate proceeding, if so advised.

5 The application is dismissed. There will be no order as to costs.

(M. Haridasan)
Judicial Member

(NV Krishnan)
Administrative Member

appropriate proceeding, if so advised.

5. The application is dismissed. There will be no order as to costs.