

This the 26<sup>th</sup> day of March, 2014.

**Hon'ble Sri Navneet Kumar , Member (J)**  
**Hon'ble Ms. Jayati Chandra, Member (A)**

1. Mukesh Kumar Mishra s/o Sri Virendra Kumar Mishra aged about 33 years r/o D-64, Mahanagar Extension, Lucknow.
2. Brijesh Kumar Rawat s/o Sri Choote Lal Rawat, aged about 34 years r/o M-41, RDA, Indira Nagar, Raebareli.

Applicants

By Advocate: None

Versus

1. Union Public Service Commission, through the Secretary, UPSC, Dholpur House, Shan Jahan Road, New Delhi.
2. Union of India, through Archaeological Survey of India through Director General , ASI, Janpath, New Delhi.

Respondents

By Advocate: Sri Pankaj Awasthi for Sri A.K. Chaturvedi for R.No.1  
Sri Rajendra Singh for R.No.2

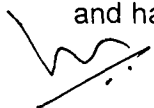
**ORDER (ORAL)**

**BY HON'BLE SRI NAVNEET KUMAR, MEMBER (J)**

The present O.A. is preferred by the applicant under Section 19 of the AT Act with the following reliefs:-

- a) issuing/ passing of an order or direction to the concerned authorities to quash their decision of conducting the screening test for the post of Deputy Superintendent of Archaeology for ASI only in English medium and to subsequently take the screening test in both Hindi and English Language.
- b) issuing/ passing of any other order or direction as this Hon'ble Tribunal may deem fit in the circumstances of the case.
- c) allowing the original application with cost.

2. Sri Pankaj Awasthi for Sri A.K. Chaturvedi for respondent No.1 submits that the advertisement which was issued by the respondents was withdrawn by means of a notification issued on 7<sup>th</sup> November, 2013. The said cancellation order is filed along with an application No. 332/00414/2014. It is also pointed out by the learned counsel for the respondents that the applicant has already appeared in the examination and has also relied upon the decision of the Principal Bench of this Tribunal

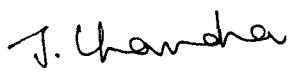



passed in O.A. No.913/2011, wherein in para 9 of the judgment, the Principal Bench of the Tribunal has observed as under:-

"9. In view of the above, there seems to be no discrimination to anybody who has not studied English Language as no medium is being used in the written test. We also notice that all the applicants in the present O.A. have appeared in the written test and are now asking for it to be cancelled. In our considered opinion, in view of explanation given by respondent No.1, no case is made out as to illegality is being committed or sought to be committed by respondent No.1. A perusal of the procedure being followed by the respondents also shows no illegality or any attempt to favour or harm any candidate."

3. The said order was subsequently affirmed by the Hon'ble High Court at Delhi in Writ Petition (Civil) No.140/2012. No one is present on behalf of the applicant on the revised call.

4. Considering the submissions made by the learned counsel for the respondent No.1, the present O.A. has rendered in-fructuous. Accordingly the same is dismissed as rendered infructuous. No order as to costs.

  
(Jayati Chandra)  
Member (A)

  
(Navneet Kumar)  
Member(J)

HLS/-