

(17)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO. 971 of 1993

DATE OF JUDGMENT: 19th August, 1993

BETWEEN:

Mr. S.Papaiah .. Applicant

AND

1. Union of Public Service Commission,
represented by its Secretary,
New Delhi. .. Respondent

HEARD:

COUNSEL FOR THE APPLICANT: Mr. B.Veerabhadra Rao, Advocate

COUNSEL FOR THE RESPONDENT: Mr. N.R.Devaraj, Sr. CGSC

CORAM:

Hon'ble Shri Justice V.Neeladri Rao, Vice Chairman

Hon'ble Shri P.T.Thiruvengadam, Member (Admn.)

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI P.T.THIRUVENGADAM, MEMBER (ADMN.)

(a candidate belonging to Schedule Caste community)
The applicant herein applied for appearing for the
Civil Services (Preliminary) Examination, 1993. He was given
the Hall Ticket No.063134 for writing the examination in the
New Government Junior College, Sardar Patel Road, Near
Municipal Corporation Office of Hyderabad, Secunderabad.
The applicant submits that the Civil Services (Preliminary)
Examination, 1993 was conducted on 13.6.1993. On 12.6.1993,
he developed high temperature (103°F) and vomittings since
12.6.1993 and as such he could not travel because of the

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illness from Hyderabad to Secunderabad and, therefore, he went (near his residence) to the Urdu Hall and approached the Chief Supervisor of Urdu Hall Centre of Civil Services (Preliminary) Examination, '93 and explained his position and requested him for allowing him to write the examination at Urdu Hall instead of New Govt. Junior College, S.P.Road, Secunderabad. The Chief Supervisor permitted the applicant to write the examination at Urdu Hall Centre. After the examination, the applicant tallied the answers with the key answers given by the Coaching Centre Lecturers. He hopes ^{Preliminary} that he would succeed in the examination and would be admitted to appear in the main examination. However, the applicant's number was not found in the results published by the UPSC on 29.7.1993.

2. The applicant submitted a representation on 2.8.1993 to the Secretary, UPSC bringing out the above facts and requesting for declaration of the results. In his representation, he had given the following address:-

S.Papaiah,
H.No.10-1-181,
Chintala Basti,
Khairatabad,
Hyderabad-500004, AP.

3. The learned counsel for the respondents, Mr.N.R.Devaraj pointed out the difference in the address of the applicant in the OA vis-a-vis the address given in the application to the UPSC as well as in the representation submitted by him on 2.8.93. It was urged that the version of the applicant that he was residing in Ashok Nagar during the period when the examination was held cannot be relied. At the time of arguments, the learned counsel for the applicant stated that the applicant

Copy to:-

1. Secretary, Union Public Service Commission, New Delhi.
2. One copy to Sri. B.Veerabhadra Rao, advocate, CAT, Hyd.
3. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
4. One copy to Library, CAT, Hyd.
5. One spare COPY.

Rsm/-

for one copy to each university for each state

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.. 3 ..

has been residing at Ashok Nagar from 1.1.1993 and his permanent address is still Chintala Basti where his parents are staying. An affidavit has also been filed by the applicant stating that he has been residing at Ashok Nagar address as a tenant from 1.1.1993. Another affidavit has also been filed by the Land Lord of the Ashok Nagar premises where the applicant is said to be residing to the effect that the applicant is a tenant of that premises from 1.1.1993. In view of the above affidavits, it can be stated that the version of the applicant is supported by another.

4. Shri N.R. Devaraj for the respondents also argued that no one is entitled to claim as a matter of right that he should be permitted to appear from a centre other than the centre for which the Hall Ticket was given. A similar matter was considered by us in OA 924/93 wherein the applicant therein was OC candidate. Hence, similar order is passed in this OA as under:-

UPSC ie., the respondent herein has to send the application to the applicant to appear for the main examination, if he got marks more than the marks of the successful SC candidate who secured the least marks in the Preliminary examination held in this year.

5. The OA is ordered accordingly at the admission stage.
No costs.

(Dictated in the open Court).

P. J. Dmt

(P.T. THIRUVENGADAM)
Member (Admn.)

Neeladri
(V. NEELADRI RAO)
Vice Chairman

Dated: 19th August, 1993.

8/19/87/3
Dy. Registrar (Adm.)

new C.C. Today 19/8/93
O.A. 971/93

TYPED BY
CHECKED BY

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

THE HON'BLE MR. P. T. MIRUVENGADAM : M (A)

Dtd: 19/8/ -1993

TR/JUDGMENT:

M.A/C.A.N.

O. 971/93

T. (W.P.)

Adjudged and Interim directions
is

All

Did of with directions

Did

Did as withdrawn

Did for default.

Re/Ordered

No as to costs.

