

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 938/95

Date of Order : 11.12.97

BETWEEN:

S.Jagadeesh Kumar

.. Applicant.

AND

1. Union Public Service Commission,
rep. by its Secretary,
O/o The Union Public Service
Commission, Dholpur House,
Shahjahan Road, New Delhi.

2. Union of India rep. by Secretary
to Government, Dept. of Personnel &
Public Grievances, Central Secretariat,
New Delhi.

.. Respondents.

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Counsel for the Applicant

.. Mr.S.Udayachala Rao

Counsel for the Respondents

.. Mr.N.R.Devraj

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CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

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O R D E R

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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None for the applicant. Mr.N.R.Devraj, learned
standing counsel for the respondents.

2. The applicant applied for the Engineering Services
Examination, 1994. It is stated that the case of the applicant
was rejected as it is alleged that the application was received
late for that examination. The applicant submitted another
application for the Engineering Services Examination for the

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year 1995 also. In that year his candidature was rejected as he was ~~ever~~ aged. The applicant submits that his application for the year 1994 was submitted in time and received in time and rejection of his application for the year 1994 was incorrect. Hence he prayed for admission of his candidature for the year 1995 examination.

3. This OA was filed praying for a direction to the respondents to produce the file No.ESE 1994 R.No.56055/E VII dated 12.7.1994 and ESE 1995/R.No.3944/E.VII dated 15.5.1995 of the 1st respondent and for a further declaration on perusal of the record that the action of the first respondent in rejecting the candidature of the applicant for Engineering Services Examination 1994 and 1995 is arbitrary, illegal, unjust and unfair and for a consequential direction to the respondents to accept the applicant's candidature for the Engineering Services Examination 1995 and to permit him to appear for the written examination scheduled to be held on and from 20.8.95 and also permit him to appear for viva-voce and other tests in the event of qualifying at such written test without pleading the bar of age, ^{or} without raising the plea that he is age-barred.

4. When the OA was taken up for admission hearing an interim order was passed on 8.8.95 to the effect that that the applicant has to be permitted to appear for the Engineering Services Examination 1995 scheduled to be commenced from 20.8.95 with Visakhapatnam as the centre. It was further directed in the interim order ^{that} R-1 has to get the necessary arrangements made and to get the hall ticket delivered to the applicant with Roll No13944 when the copy of this order is produced. The applicant had to be called for viva-voce if he ^{was} ~~is~~ qualified in the written examination. If he ^{was} ~~is~~ selected, no order of appointment should be given until further orders in this OA.

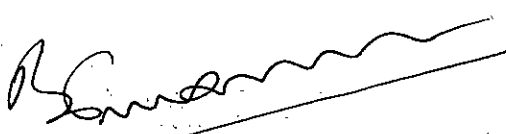
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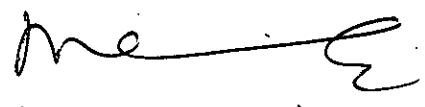
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5. It is now stated for the respondents that the applicant was allowed to sit for the written examination but he failed in the written examination and hence the question of calling him for viva-voce examination does not arise, and any further direction given in this OA will be of no use to the applicant as he has failed to pass in the written examination. On 9.12.97 we have asked the learned counsel for the respondents to inform the fact to the Counsel for the applicant Mr. Udayachala Rao that the case of the applicant has to be rejected as he has failed in the written examination. Mr. N.R. Devraj informed the Bench today that the above ^{fact} has been informed to Mr. Udayachala Rao and he had noted the information given to him.

6. The learned counsel for the applicant is not present today inspite of the above information having been conveyed to him by the respondents' counsel. We also agree with the submission of the respondents that there is no use ^{to pronounce any direction in this} ~~by the disposal of the~~ OA as he had ³ failed in the written examination held in the year 1995. The above facts have been conveyed to the learned counsel for the respondents by U.P.S.C. by its letter dated 21.11.97.

7. In view of the above fact that the applicant failed in the written examination of Engineering Services Examination 1995 the OA has to be dismissed as having no merits. Accordingly it is dismissed. No costs.


(B.S. JAI PARAMESHWAR)
Member (Judl.)


(R. RANGARAJAN)
Member (Admn.)

11.12.97
Dated : 11th December, 1997

(Dictated in Open Court)

19/12/97
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESWAR :
M(J)

Dated: 11/12/97

ORDER / JUDGMENT

MA./R.A./C.A.No.

in

C.A.No. 938/95

Admitted and Interim Directions
Issued.

Allowed

Disposed of With Directions

Dismissed

Dismissed as Withdrawn

Dismissed For Default

Ordered/Rejected

No order as to costs.

SRR

II Court

