(18)

Annex A/1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

JAIPUR BRANCH JAIPUR

O.A.No.581/93 Dt.of order:2.12.93.

Muriidhar Hirani Applicant

Vs.

Union of India & Ors. :Respondents

Mr.Rajendra Soni :Counsel for the applicant

CORAM: Hon'ble Mr. Justice D.L.Mehta, Vice Chairman

Hon'ble Mr.O.P.Sharma, Member(Admn.)

PER HON'BLE MR.JUSTICE D.L. MEHTA, VICE CHAIRMAN.

Heard the learned counsel for the applicant. The applicant has invited our attention to Annx.A-2 dated 28.12.91 and submits that in the year 1991 (1992) other candidates appearing in the Civil Services Examination who were otherwise eligible have been permitted five attempts in that examination. The relevant portion of para 4 is reproduced as under:-

> "4. Every candidate appearing at the examination who is otherwise eligible, shall be permitted five attempts at the examination irrespective of the number of attempts he has already availed of the IAS, etc. examination held in previous years. The restriction shall be effective from the Civil Services Examination held in 1979. Any attempts made at the Civil Services (Preliminary) Held in 1979 and onwards will count as attempt for this purpose the fifth attem/t now permitted is available for the year 1992 examination only."

...2/-

Attested/Verified

2. In the notification inviting applications Annex A-1 dated 16.1.93, there is a provision that every candidate appearing at the examination who is otherwise eligible shall be permitted four attempts at the examination. The learned counsel for the applicant further submits that in the year 1990 when the examinations were held for IAS and other services, the qestion papers leaked and on representation an additional chance was given in the next year. We do not agree with the submission of the learned counsel for the applicant, as it is an admitted case that the results of the examinations of the year 1990 were not cancelled and the persons selected in the year 1990 have already been given appointments as per the results. Therefore, it cannot be said that there was a leakage of question papers and for that reason the additional chance was given vide the notification Annex. A-2 dated 22.12.91. If the paper has leaked then the examination held should be cancelled and the appointment have to be quashed. This has not been done in the case. Applicant has appeared in the year 1990 and failed in the examination. Mr. Soni further submits that it is arbitrary to reduce the attempts from 5 to 4 vide Annex. A-I for the year 1993. It isa question of policy of the government to give four attempts and it cannot be said to bearbitrary. It is not violative of the principles

....3/-

Attested/Certified

of equality enshrined in Article 14 of the constitution of India. Mr. Soni further submitted that some petitioners have been filed at Allahbad Bench of the Tribunal and provisional permission has been granted to the applicants for appearing in the examination. We are not knowing anything about such applications and no order is available with us. Even if it is assumed that such provisional permission has been granted even then any relief granted at the stage of show cause notice cannot be said to be a precedent. We are not inclined to admit the petition. The petition is dismissed.

Sd/-
(O.P. Sharma)
Member(A)

Sd/-
(D.L. MEHTA)
Vice Chairman

Attested/Verified