

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 02.4.2003

OA 172/2002

Dr. Balraj Vishnoi s/o Shri J.N. Vishnoi r/o 6/305, Malviya Nagar,
Jaipur.

... Applicant

Versus

1. Union of India through Secretary, Ministry of Personnel, PG & Pensions, Department of Personnel & Training, New Delhi.
2. Union Public Service Commission, Dholpur House, New Delhi, through its Chairman.
3. Joint Secretary, UPSC, Dholpur House, New Delhi.

... Respondents

CORAM:

HON'BLE MR. H.O. GUPTA, MEMBER (ADM)

HON'BLE MR. M.L. CHAUHAN, MEMBER (JUDL)

For the Applicant

... Mr. R.D. Tripathi

For the Respondents

... Ms. Shalini Sheorn, Proxy Counsel for
Mr. Bhanwar Bagri

ORDER (ORAL)

The applicant has filed this OA praying for the following reliefs:

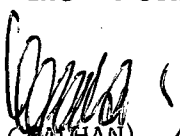
- "i) to declare the provisions of instruction (i) of General Instructions (Preliminary as well as main) examination, 2002 ultra-vires the provision of Article 14, 16 & 21 of the Constitution of India in so far as it relates to restriction on providing scribe to persons other than blind and accordingly to set aside it;
- ii) to declare that the candidates suffering from disabilities other than blindness resulting in inability to write the answers with their own hands and without help of scribe are entitled to treatment similar to that given by respondents to blind candidates in the matters inter-alia provisions of scribe;
- iii) to direct the respondents to treat the candidates suffering from disabilities other than blindness resulting in inability to write the answer with their own hands and without the help of scribe similar to the blind in the matter of grant of scribe;
- iv) to direct the respondents to provide the help of scribe to the applicant for appearing in civil service examination;
- v) to direct the respondents to provide concession to the applicant also as are provided to the blind candidates vide instruction (i) Note (3)."

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2. Heard the learned counsel for the parties. During the course of arguments, the learned counsel for the respondents submitted that based on the interim order, passed by this Tribunal on 18.4.2002, the applicant was allowed to appear in the examination with all facilities and thereafter the result has announced. The applicant has failed and, therefore, this OA has become infructuous. The learned counsel for the applicant submitted that his another prayer with regard to challenging the vires of the circular of the UPSC still persists. He further submitted that in case in future chances the applicant is not allowed on the same ground, he would like to come to the Tribunal again.

3. We have given considerable thought to the submission made by the learned counsel for the applicant. Since the applicant has failed in the examination, we do not wish to give, at this stage, any view on the prayer of the applicant and, therefore, this OA is dismissed as having become infructuous. However, the applicant shall be at liberty to approach this Tribunal if on the same ground his case is again turned down by the UPSC.

4. The OA stands dismissed. No order as to costs.


(M.L. CHAUHAN)
MEMBER (J)


(H.O. GUPTA)
MEMBER (A)