

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17338 of 2015

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Malothu Ramulu @ M. R. Naik, Son of Late M. Luchi Ram, Resident of Inugurthy,
Mandal- Kesamudram, District- Warangal (Andhra Pradesh)- 506112, presently
posted as D.I.G., C.I.S.F., Hyderabad.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Department of Personnel and Administrative, New Delhi.
2. The Under Secretary to the Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, New Delhi.
3. The Union Public Service Commission, through its Chairman, Dholpur House, New Delhi.
4. The Secretary, Ministry of Home Affairs, North Block, New Delhi.

.... Respondent/s

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Appearance :

For the Petitioner	: Mr. Lalit Kishore, Senior Advocate Mr. P. N. Shahi, Senior Advocate Mr. Ritesh Kumar, Advocate
For the Respondent-UOI	: Mr. S. D. Sanjay (Addl. S. G.) Mr. A.S. Jha, C.G.C.
For the respondent No.3	: Mr. Kaushal Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 30-06-2016

The order dated 27th April, 2015 passed by the Central
Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as

‘the Tribunal’) in O.A. No.130 of 2011 is subject matter of challenge in the present petition.

2. The challenge in an Original Application is to the communication dated 28th April, 1999 whereby the petitioner was not permitted to appear in the Civil Services (Main Examination), 1998.

3. The petitioner joined Indian Railway Service of Signal Engineers on 2nd January, 1996. Subsequently, he appeared in Civil Services Examination, 1997 and selected to Indian Police Service. In the meantime, the petitioner applied for Civil Services Examination, 1998 as well. The petitioner qualified the Civil Services (Main) Examination, 1998 and for personality test, but he was not permitted to appear in personality test for lack of permission from his employer, i.e. Indian Railway Service.

4. Admittedly, the petitioner had invoked the jurisdiction of the Central Administrative Tribunal, Hyderabad Bench, through O.A. No.731 of 1999 against the action of not permitting the petitioner to appear for the personality test. But such O.A. was withdrawn on 14th of March, 2000. The said application was for the same relief that is he should have been permitted to appear for the personality test in the examination process of Civil Services Examination, 1998.

5. Once an action taken by the petitioner has been

withdrawn from the competent Forum, the petitioner cannot be permitted to claim his right of appearance in the personality test in the examination process of Civil Services Examination, 1998 again from the different Bench of the Tribunal and that too after more than 15 years. The petition is barred and also suffers from delay and laches.

6. Consequently, we do not find any merit in the writ petition and the same is dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	
CAV DATE	N. A.
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