

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

Original Application.No. 100/886/2020

This the 21st day of July, 2020

**THE HON'BLE MR. JUSTICE L.NARASIMHA REDDY, CHAIRMAN
THE HON'BLE MOHD.JAMSHED, ADMINISTRATIVE MEMBER**



Pradeep Kumar Meena

Age : 31 years, S/o Ram Lal Meena

153 Rohini Nagar, Mahal Road

Jagatpura, Jaipur, Rajasthan – 302017.

... Applicant

(By Advocate : Mr.Nikhil Singhvi)

Vs.

1. Union Public Service Commission
Through its Secretary
Dholpur House, Shahjahan Road
New Delhi – 110069

2. Union of India
Department of Personnel and
Training, through its Secretary
North Block, Central Secretariat
New Delhi – 110001

... Respondents

(By Advocate : Ms.Shradha Deshmukh & Mr.Mohit Seth)

ORDER

{As per Hon'ble Mr. Justice L Narasimha Reddy, Chairman}

The applicant is an aspirant to get selected in the All India Services and was making efforts from the year 2012 onwards. He is said to be from

Scheduled Tribe. Obviously, because he was not successful in the earlier attempts, he submitted the application for the Civil Services Examination from the year 2019 also. He was permitted to appear in the preliminary examination and based upon the performance therein, in the main examination also.



2. The applicant contends that inadvertently he mentioned the social status as 'SC' instead of 'ST', in the application for preliminary examination, and he noticed the mistake, when he was required to submit the application for main examination, in August 2018. According to him, the entry as regards the social status in the application for main examination could not be changed on account of the fact that the system did not permit and in that view of the matter, he made a representation on 02.08.2018 to the UPSC with a request to rectify the mistake.

3. The UPSC issued a show cause notice to the applicant and passed an order dated 22.10.2019 cancelling his candidature by invoking Rule 23 of Civil Services Examination Rules, 2019. This OA is filed challenging the order dated 22.10.2019 and with a prayer to direct the first respondent to permit him to make necessary changes in the application form.

4. The applicant contends that due to sheer inadvertence, he mentioned his social status as 'SC' instead of 'ST' in the application for

preliminary examination and the very fact that he enclosed the Scheduled Tribe certificate to the form, discloses that he did not have any intention to claim the benefit, referable to Scheduled Caste candidates. He contends that once the respondents have permitted him to take the preliminary and main examinations by issuing admit cards, it was not open to them, to cancel the candidature, particularly when he did not derive any benefit referable to SC. He submits that the minor and inadvertent error must not lead to deprivation of his opportunity, based upon his performance and that the impugned order is liable to be set aside as being arbitrary, illegal and unreasonable.



5. The contest to the OA is mainly by the UPSC. According to them, the instructions issued to the candidates are clear to the effect that before uploading an application form, the proposed entries must not only be verified carefully, but also a printout be taken, for appropriate examination, and only after entries are found to be correct, the application be uploaded. They contend that the applicant has taken part in the Civil Services Examination ever since 2012 and if he was negligent in making entry as regards the social status, he has to bear the consequences that will ensue. They further submit that Rule 23 of CSE, Rules 2019 is categorical to the effect that an entry as regards social status, once made, cannot be changed and that even an illustration was also furnished. They

submit that lakhs of candidates appear throughout the Country each year and the applications are processed electronically, hardly with human intervention and that the candidature of the applicant was cancelled since he committed a patent mistake.



6. Ms.Shradha Deshmukh, learned counsel advanced extensive arguments on the lines of the pleadings. She contends that the mistake was purely inadvertent and the applicant did not entertain any idea whatever, of getting the benefit referable to SC. She submit that the applicant, who hails from ST cannot be deprived of the candidature and that no harm would be done to anyone in case, he is considered for selection on the basis of the marks secured by him and by treating him as an ST.

7. Sri R.V.Sinha, learned standing counsel for UPSC on the other hand submits that the entries in the application forms, particularly those which have a bearing on the reservation are pivotal to the selection process and an error committed by the applicant as regards the social status would naturally lead to the consequences. He contends that the candidates are cautioned at every stage and Rule – 23 of CSE has also made it amply clear that an entry once made, cannot be changed and inconsistencies would lead to the cancellation of the candidature. He

placed reliance upon certain judgements rendered by the Tribunal as well as the Hon'ble Supreme Court.



8. As mentioned earlier, the applicant was taking part in the Civil Services Examination from the year 2012 onwards. Whatever may be the possibility for a fresh candidate to commit errors in submitting the application, with his vast experience behind him, the applicant was not supposed to commit any mistakes in filling the form. It is not as if, there was any requirement to write sentences together in which case there may be possibility for a typographical or grammatical errors. Against Col.8 the applicant was required to state the social status even that was in short form, namely, whether 'SC' or 'ST'. The letter 'S' being common for both, the concentration was required to be bestowed only on the other letter i.e. "C" or "T".

9. The detailed instructions contained in the form required the candidates to be careful before uploading the applications. To avoid any oversight, they are also instructed to take a printout, so that the verification can be accurate.

10. The participation in the Civil Services Examination in each year is in lakhs. Reservations of different categories are provided. The selection process involves three stages, i.e. preliminary examination, main examination and the personality test. Obviously, because a detailed

verification at every stage may prove to be futile in view of the fact that it is only few hundreds that would make for selection, the verification of social status and other related aspects is relegated to the last stage. The mere fact that the candidates are issued admit cards enabling them to appear in the preliminary or main examination, does not amount to acceptance of the contents of their applications. The actual verification will take place only in respect of the candidates who are found to be in the zone of selection. That in turn would depend upon the available vacancies, the social status of candidates and other related aspects.



11. In the instant case, the applicant himself came forward with a plea that he committed mistake in making entry regarding the social status and requested for permission to correct the same. Faced with recurrence of instances of this nature every year, the respondents have incorporated Rule – 23 in the CSE Rules 2019, which reads interalia:

“23. A candidate will be eligible to get the benefit of community reservation only in case the particular caste to which the candidates belong is included in the list of reserved communities issued by the Central Government. The candidates will be eligible to get the benefit of the Economically Weaker Section reservation only in case the candidates meets the criteria issued by the Central Government and in possession of such eligibility certification. If a candidate indicates in his/her application form for Civil Services (Preliminary) Examination that he/she belongs to General category but subsequently writes to the Commission to change his/her category to a reserved one, such request shall not be entertained by the Commission. Further, once a candidate has chosen a reserved category, no request shall be entertained for change to other reserved category viz., SC to ST, ST to SC, OBC to SC/ST or SC/ST to OBC, SC to EWS, EWS to SC, ST to EWS, EWS to ST, OBC to EWS, EWS to OBC. No reserved category candidates other than those recommended on General Merit shall be allowed to change his/her category from Reserved to Unreserved or

claim the vacancies (Service/Cadre) for UR category after the declaration of final result by UPSC.”

Remaining portion is not extracted, since it is not relevant for the purpose of the case.



12. The Rule is very clear in its purport. Any mistake committed in the context of claiming the reservation would lead to cancellation of the candidature itself. The applicant did not challenge the Rule in this OA. The undisputed facts of the case clearly fit into the rule extracted above. The inevitable consequence is that his candidature is liable to be cancelled and that is what UPSC did, after issuing a show cause notice.

13. It is true that there are instances where inadvertent errors on certain unimportant aspects are not permitted to defeat the rights of the candidates. Much, however, depend upon the nature of the post and the aspect on which the error is committed. For example, if the post is of a lower category, where the applicants are not that conversant with the language and procedure or when the error is on a technical aspect, not effecting the rights of others, Courts and Tribunals grant the reliefs. In the instant case, the selection is to the All India Services, which is of the highest level in the executive. The successful candidates occupy positions in the higher levels of executive wings in the Government. They are required to be persons of high calibre and the competition is very stiff.

The error committed by the applicant is on an important aspect, namely social status. As observed earlier the processing of the applications would be done electronically and it would not be possible to meddle with the same even where any error is noticed.



14. Even in respect of an otherwise successful and meritorious selected candidates an error committed in the context of choosing the zone was held to be irreversible in OA.2635/2018 filed by Ms.Anu Kumari. The applicant therein secured very high position in All India ranking. However, she committed error in choosing the zone. Request made by her to permit her to mention the zone was not acceded to by the UPSC. In the OA filed by her, the Tribunal referred to the various clauses contained in the application form and relevant rules and declined the relief. W.P.No.8474/2018 filed by her before the Hon'ble High Court of Delhi was allowed on 04.09.2018 and directions were issued. In Civil Appeal No.3877/2019 filed by the Union of India, Hon'ble Supreme Court has set aside the judgement of Hon'ble High Court of Delhi and upheld the order of the Tribunal and thereby the order passed by the UPSC. The Hon'ble Supreme Court has observed that ____

“From the press note dated 10.01.2018, which has been relied by learned counsel for the Union of India it is undisputed that all candidates have to submit their preference as per the said press note. In paragraph 5, it was clearly stipulated that “if a candidate fails to submit the addendum to DAF by last date/time, it will be considered that the candidate has no preference to make for Zones & Cadres and no request



shall be entertained in this regard". The facts of the present case, as is revealed from the materials on record, clearly indicates that the respondent No.1 is well aware of the instructions dated 10.01.2018. She has also logged-in the website of the UPSC for five times and on 17.01.2018 has saved her preferences. From the record it is also clear that last time when she logged-in in the website was 25.01.2018 and after 25.01.2018 no steps were taken till 29.01.2018 which was the last date. After 6 pm on 25.01.2018 at 6.29 pm e-mail has been sent which has already been extracted by us above. The e-mail which has been sent by respondent No.1 clearly mentions that due to some network problem she was not able to submit the cadre preferences, just 20 minutes back the portal got closed. The respondent No.1 has requested the Commission to consider the saved preferences as her submission. From the record, it is clear that after 25.01.2017 she has not made any effort to login. Thus it cannot be accepted that due to network problem she was enable to submit it."

15. The case on hand stands in somewhat inferior footing in as much as the applicant was not even selected. In OA 1358/2018 (Anuj Pratap Singh Vs. UPSC & Others) the applicant was a candidate in the Civil Services Examination of 2017. He committed a mistake as regards the date of birth. The same plea as in this OA, namely that the mistake that occurred at the stage of application of preliminary examination could not be rectified at the subsequent stages, was repelled by the Tribunal and the OA was dismissed.

16. In view of the above, we do not find any merit in the OA and accordingly the same is dismissed.

(MOHD. JAMSHED)
MEMBER (A)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

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