



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.1078/2015

M.A. No. 994/2015

This the 13th day of January, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

1. Karanti Goyal,
S/o Hansraj Goyal Aged 28 yrs,
R/o H. No. 84, Ward No. 4,
Khanauri Kalan, District Sangrur,
Punjab-148027.
2. P. Vijaya Bhaskar Reddy,
S/o P. Pedda Subba Reddy, aged 29 years,
3-995, Y.M. R. Colony,
Proddatur, YSR District,
Andhra Pradesh – 516360.

The abovementioned applicants have been recommended
for the post of Indian Forest Officers.

... Applicants

(through Mr. Pankaj Singh, Advocate)

Versus

1. Ministry of Environment, Forests & Climate Change,
Through its Secretary,
Indira Paryavaran Bhavan,
Jor Bagh Road,
New Delhi – 110003.

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

... Respondents
(through Mr. Gyanendra Singh, Advocate)



ORDER (Oral)

Justice L. Narasimha Reddy, Chairman:

The applicants took part in the Civil Services Examination, 2014. They claimed the status of physically disabled candidates. They took part in the preliminary and mains examination and were selected for Indian Forest Service (IFS). The relevant Recruitment Rules for IFS stipulate walking test. 25 kilometres of distance is to be covered in four hours by male candidates, and 14 kilometres in four hours, by woman candidates. The applicants were not able to cover the distance, as above. They were given another opportunity, as provided for under the Rules, but there again, they were not successful. In view of this, they were not included in the list of selected candidates.



2. This OA is filed with a prayer to direct the respondents to allow the applicants to complete the walking test by allowing the compensatory time of 20 minutes, for every one hour. Further direction is sought to consider them as qualified in the first walking test. They have also prayed for a direction to publish guidelines/specific test criteria for candidates with disabilities, keeping their specific disabilities in view and to provide accessible and disabled friendly test settings and a reasonable accommodation, for a level playing field so that persons with disabilities can compete with the non-disabled counterparts.

3. The applicants contend that wherever any requirement is stipulated with reference to time, the relevant rules provide for compensatory extra time for candidates with physical disability, but in the instant case, such a facility is not extended. It is also stated that the requirement stipulated by the respondents, as regards the walking test, is contrary to the guidelines framed by the Ministry of Social Justice. Several other contentions are also urged.



4. Respondents filed detailed counter affidavit opposing the OA. They raised an objection as to the maintainability of the OA. According to them, the applicants cannot be permitted to challenge the condition, once they have participated in the examination, and subsequent steps. It is also stated that though reservation is provided for in favour of physically disabled candidates, there is no relaxation of conditions, that are required to be complied with, and the walking test is, one such.

5. On behalf of the applicants written arguments have also been filed.

6. We heard Shri Pankaj Singh, learned counsel for applicant and Shri Gyanendra Singh, learned counsel for respondents in detail.

7. The UPSC published a notification in the year 2014. Separate set of rules was published for selection to IFS. In the instructions to the candidates also, it was clearly mentioned that a candidate must successfully complete the walking test, covering the distance of 25 kilometres in 4 hours. For woman candidates, the distance is

stipulated as 14 kilometres to be covered in the same time. According to them, separate parameters are provided in favour of the disabled candidates. However, much would depend upon the nature of the requirement under the rules and the advisability or possibility of providing for relaxation. In its wisdom, the concerned Ministry did not provide for any relaxation in favour of physically disabled candidates, in the context of the walking test, even while some relaxation is provided for in favour of woman candidates. It is purely a policy decision that was taken, on the basis of relevant inputs. The Tribunal cannot express its view on such policy matters.



8. Another aspect is that the applicants did not challenge the condition, before participating in the examination. Not only they participated in the examination, but also attempted the walking test, twice. It is fairly well settled that a candidate cannot take the chance of getting selected and then turn around and challenge the rules, if he is not selected. The selections took place way back in the year 2017. Even if the respondents are required to amend the rules, duly taking

into account the interest of physically disabled candidates, that would be applicable only for future selections. No benefits would accrue to the candidates in earlier selections.



9. We do not find any merit in the OA and the same is dismissed accordingly.

Pending MA No.994/2015 shall stand disposed of.

There shall be no orders as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

lg/rk/ankit/sd