

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA NO.1243/92

DATE OF DECISION:13.05.92.

S.K. SINGH

...APPLICANT

VERSUS

UNION OF INDIA

...RESPONDENTS

CORAM:-

THE HON'BLE MR. T.S. OBEROI, MEMBER (J)

THE HON'BLE MR. I.K. RASGOTRA, MEMBER (A)

FOR THE APPLICANT

SHRI A.K. PATHAK, COUNSEL.

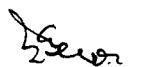
FOR THE RESPONDENTS

NONE

1. Whether Reporters of Local Papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *Yes* *to* *of*


(I.K. RASGOTRA)

MEMBER (A)


(T.S. OBEROI)

MEMBER (J)

May 13, 1992.

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FOR THE APPLICANT SHRI A.K. PATHAK, COUNSEL.

FOR THE RESPONDENTS NONE

(JUDGEMENT OF THE BENCH DELIVERED BY HON'BLE
MR. I.K. RASGOTRA, MEMBER (A))

Shri Shardandu Kumar Singh has filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985 aggrieved by the decision of the respondents conveyed in F1/5/91-E-1(B) issued by the Union Public Service Commission (UPSC for short) and notified in Employment News of 28.12.1991-3.1.1992, according to which the Respondent No.2, viz. U.P.S.C. has allowed the candidates within the age group of 21-33 years to appear in the Civil Services Examination 1992 and increased the number of chances from four to five. The date of birth of the applicant is 1.8.1959 and he had already appeared in Civil Services Examination in 1984, 1985 and 1986 but failed to make the grade. On the crucial date of 1.8.1992 the applicant will be over 33 years of age and he apprehends that in these circumstances Respondent No.2 would reject his application for want of eligibility in respect of age, thereby preventing him from taking Civil Services Examination, 1992. The main grounds of attack of the applicant

2

(X)

are that fixing of age limit by the impugned decision at 33 years age is wholly arbitrary, illegal and is infraction of Article 16 of the Constitution. Further the increase in the age limit from 28 years to 33 years is only for the Civil Services Examination, 1992 all other eligible candidates "above the age of 33 years as on 1.8.1992 are excluded from applying for the said examination." Thus there is no intelligible differentia for the classification of the grouping of all the eligible candidates upto the age of 33 years qua the applicant who otherwise is similarly placed and is eligible to appear. He further assails the decision of the respondents, as they have further conferred the benefit of 5 attempts on the eligible candidates specifying the criteria of 33 years without taking into consideration that they have availed four attempts upto the age limit of 26 years.

2. Shri A.K. Pathak, learned counsel for the applicant referred us to an interim order passed by Lucknow Bench of the Tribunal dated 29.1.1992 in OA NO.56/92 & 58/92 allowing the applicants therein to appear in the examination by directing the respondents to entertain their applications, even if they have crossed the age of 33 years on 1.8.1992, at the interlocutory stage.

3. We have heard the learned counsel for the applicant and perused the record placed on the judicial file. In our opinion the reason for assailing the decision of the respondents to increase the age of eligibility upto 33 years as on the crucial date and increasing the number of chances from four to five cannot be said to constitute infraction of Articles 16 of the Constitution viz. denial of equality of opportunity relating to public employment. The Rules of Civil Services Examination are statutory in nature and are not open to challenge unless they are

2

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proved to be irrational or arbitrary. The framing, reframing, changing and rechanging the rules to meet the needs of the situation lies exclusively in the domain of the Executive and is not open to challenge unless there is a proven case of malafides. The administrative action is subject to control by judicial review if it is proved to involve "illegality, irrationality, procedural impropriety." The procedural changes made in regard to the number of chances and the age limit from time to time have been made by the respondents, keeping in view all relevant factors and they are made applicable to all equally placed persons. Such a classification cannot be said to be infraction of Article 16 of the Constitution and has been held to be permissible within the constitutional frame-work, as it is directed towards advancement of larger social objectives. We are, therefore, not inclined to interfere in the matter. We are also not aware of the full facts and circumstances in which the Lucknow Bench of the Tribunal had passed an interlocutory order, referred to in the preceding paragraph.

In the facts and circumstances of the case the Application is dismissed as bereft of merit at the admission stage itself.


(I.K. RASGOTRA)
MEMBER(A)


(T.S. OBEROI)
MEMBER(J)

May 13, 1992.

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