

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,
ALIHABAD.

Allahabad this the 15th day of May, 1997

Coram :- Hon'ble Mr. T. L. Verma, Member-J
Hon'ble Mr. D. S. Baweja, Member-A

Original Application No. 438 of 1997.

Sudhakar Yadav son of Sri M. D. Yadav,
resident of 8, Beli Road, City and District
Allahabad Applicant.

(Through counsel Sri S. P. Pandey)

Versus

1. Union of India through the Secretary,
Ministry of Personnel, Public Grievances &
Pension (Department of Personnel & Training),
New Delhi.
2. Union Public Service Commission, through
its Secretary, Dholpur House, Shahjahan Road,
New Delhi. Respondents.

(Through counsel Sri S. Chaturvedi)

O R D E R (Oral)

(By Hon'ble Mr. T. L. Verma, Member-J)

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This application under Section 19 of the
Administrative Tribunals Act, 1985 has been filed for
a declaration that the notification contained in
Annexure-2 to the O.A. is ultra vires of the Constitution
and for issuing a direction to the respondents to

to issue necessary direction to the respondents to issue notification giving of 5 years age relaxation to the candidates belonging to the O.B.C. candidates in Civil Services Examination, 1997 and to give age relaxation of five years to the O.B.C. candidates and to remove the attempt bar provided for the O.B.C. candidates for appearing in that examination.

2. From the averments made in the O.A. it appears that the date of birth of the applicant is 1.7.1966. The Union Public Service Commission has issued notice in Rojgar Samachar 14/20 December, 1996 inviting applications from eligible candidates for appearing at the Civil Services Examination, 1997. By this notice, S.C. and S.T. candidates have been given relaxation of age, fee concession and relaxation in number of attempts. Certain benefits have been given to the O.B.C. candidates also in the matter of relaxation of age and the number of attempts. The O.B.C.s. and the S.C. candidates, however, have been treated differently inasmuch as the S.C. and S.T. candidates have been provided age relaxation of 5 years and there is no attempt bar for them whereas the O.B.C. candidates have been provided age relaxation of only three years and their attempts have been limited to only 7. The applicant in view of the above, it is said, has become over age for appearing at Civil Services Examination, 1997. The aforesaid policy of the Government of India in treating the O.B.C.s. on the one side and S.C.s and S.T.s. candidates on the other in the matter of relaxation of age and exemption from the chance bar, it is alleged, is arbitrary and violative of Articles 14, 15 and 16 of the Constitution. Hence this application for the reliefs mentioned above.

3. We have heard the learned counsel for both the parties and perused the record very carefully. The learned counsel for the applicant has based his entire argument in challenging the validity of the impugned notification dated 25.1.1995 on the decision of Hon'ble Supreme Court in Indira Sahney and others Vs. Union of India and others reported in A.I.R.1993, Supreme Court page 477. The learned counsel for the applicant submitted that the ~~sub~~ and substance of the decision of the Hon'ble Supreme Court in Indira Sahney's case is that expression Scheduled Caste, Scheduled Tribes and Other Backward Classes fall under the expression Back Ward Classes. It was contended that the O.B.Cs. ~~shall~~ ^{in view of that} also be given the same benefit and concession in the matter of employment as ~~has~~ been extended to the candidates belonging Scheduled Caste and Scheduled Tribes. We have carefully perused the judgment of the Hon'ble Supreme Court in Indira Sahney's case. We are unable to persuade ourselves to accept the above contention of the learned counsel for the applicant. Had the Hon'ble Supreme Court intended to lay such a law in that case clear direction ~~xxx~~ ^{could} have been issued for treating both Scheduled Caste and Scheduled Tribes and O.B.C.s. similarly. In absence of such a finding we are satisfied that S.C. & S.T. candidates on the one hand and the O.B.C. candidates on the other hand comprise two separate classes. Therefore, making separate provisions for ~~and O.B.Cs. respectively~~ S.C. & S.Ts. ~~in~~ in regard with the concession and other benefits in the matter of appointment to Civil Services and the O.B.Cs. ~~exclusion~~ in our opinion does not amount to hostile discrimination so as to attract the provisions of Article 14 and 16 of the Constitution of India.

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4. The Learned counsel for the respondents Sri Satish Chaturvedi submitted that the applicant has no cause of action for filing this application because he has neither submitted application for appearing at the 1997 Civil Services Examination nor the Union Public Service Commission has rejected the application of the applicant for appearing at the said examination. The learned counsel for the applicant admitted that he has not submitted any application for appearing at the 1997 Civil Services Examination because he had become over -age ~~on~~ the last date fixed for submission of the application. It is thus, clear that the respondent Union Public Service Commission has not declined to admit the application of the applicant for appearing at the 1997 Civil Services Examination on the ground that he has become over age. The applicant, therefore, cannot be said to be person aggrieved so as to give him cause of action for filing this application.

5. ~~Maintainability~~ The reliefs claimed ^{are} more in the nature of public interest litigation than redressal of a personal grievance of the applicant inasmuch as no relief seeking direction to the respondents to permit the applicant to appear at the 1997 Civil Services Examination after holding the impugned notice as ultravires has been sought. The Tribunals neither exercise equity jurisdiction nor are forum for public interest litigation. In this view of the matter also, this application in the present form is not maintainable.

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6. In view of the foregoing conclusion, this application is devoid of merit and the same is dismissed accordingly in limine. Parties to bear their own costs.

R. Bawali
Member-A

J. Ahluwalia
Member-J

(pandey)