

**Central Administrative Tribunal
Jaipur Bench, Jaipur**

O.A. No.830/2013

Reserved on :24.03.2021
Pronounced on:01.04.2021

**Hon'ble Mr. Dinesh Sharma, Member (A)
Hon'ble Mrs. Hina P. Shah, Member (J)**

Mukesh Kumar Meena son of Shri Kalyan Sahay Meena, aged around 26 years, resident of 59 Sumit Vihar, Ramnagar, Jaipur (Rajasthan).

...Applicant.

(By Advocate: Shri Amit Mathur)

Versus

The Union Public Service Commission through its Chairman, Dholpur House, New Delhi.

...Respondent.

(By Advocate: Shri D.C.Sharma)

ORDER

Per: Dinesh Sharma, Member (A):

The limited issue in this OA is whether the cancellation by the UPSC, of the candidature of the applicant, for the Civil Services (Main) Examination 2012, conveyed through their letters dated 03.07.2013, and 05.12.2013 (Annexures A/1 and A/2 respectively) is correct and sustainable in law. The applicant states that though he was employed earlier with a Bank and later with the AG office, he "inadvertently" could not mention that he was already in service. After being declared successful in the main examination, he informed his department and got a No Objection Certificate (NOC)

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(Annexure A/3) issued for this purpose. When he brought this fact to the notice at the time of the personality test, a Show Cause Notice (Annexure A/4) was issued to him about why he did not inform the fact of his being employed. He gave a reply to this notice (Annexure A/5) that it happened because of his being from a rural background and bad internet connectivity. He has already produced a copy of the NOC from the employer. He again represented against the rejection of his candidature (by letter at Annexure 6) stating about his being from a rural background, with wife and two kids and a sick mother, however his representation was rejected by letter dated 05.12.2013 (Annexure A/2).

2. The respondents have denied the claims of the applicant. They have stated in their reply that the applicant hid a material fact and misrepresented in his application. Hewrote "No" in the relevant column "were you ever employed". In the declaration given in the end of the application, he struck off the sentence. "I have informed my Head of the Office/Department in writing that I have applied for this examination" from the printout of the Detailed Application Form (DAF). The form expressly guided the candidates to "strike off the sentence if not applicable". This showed deliberate suppression of facts. The applicant was issued show cause notice to explain why his candidature

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should not be cancelled. Since the applicant could not give any satisfactory reason for the deliberate suppression of information, his candidature has been cancelled in accordance with the rules (Rule 14(v)) relating to these examinations.

3. No rejoinder has been filed.

4. The matter was heard on 24.03.2021. The learned counsel for the applicant cited decisions of the Hon'ble Supreme Court in **Ram Kumar vs. State of U.P. & Others** and **Commissioner of Police and Ors. Vs. Sandeep Kumar** and also decisions of the Rajasthan High Court in the case of **Dinesh Kumar vs. State of Rajasthan & Others** (SB Civil Writ No.12782/2018) and **Harish Patidar vs. State of Rajasthan & Others** (SB Civil Writ No.4695/2018). According to him, a meritorious applicant cannot be denied his chance of employment only because of some technical lapse or supplying of wrong information in the form. The learned counsel of the respondents argued that for an important examination like the Civil Services, suppression of material information at the inception is a serious matter and it cannot be taken lightly.

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5. After going through the pleadings and hearing the arguments, it is clear that there is no dispute about facts of this case. The applicant did not disclose a material fact and this fact lied about it. He cannot lay the blame on rural background and bad connectivity since he has himself written "No" and struck off a sentence, in the declaration portion of the DAF, to indicate that he was not employed. The applicant has not even claimed that he does not understand English. He has worked with Bank and was working with the AG department at the time of applying for the Civil Services. Besides all these, he has qualified in the written examination of the civil services. All these are sufficient proofs of the applicant's ability to understand how a form is to be filled. Thus, the misreporting about his status of employment cannot be taken as inadvertent mistake committed because of a bad connection and his rural background.

6. We have gone through the decisions cited by the learned counsel for the applicant (pls see para 4 above). In these cases the Hon courts took a lenient view taking into account the nature of the criminal case (on account of which a candidature was rejected and for which the candidate was acquitted, the young age of the candidate, and the insignificant nature of a wrong information provided. The

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facts and circumstances of the case before us are different from the cases cited above. Any person aspiring for a higher level Civil Service job is expected to be truthful and should not be deliberately concealing and misrepresenting facts. His commitment to being truthful in his conduct is as much a part of his merit as the ability to score marks in the written examination. The UPSC has not violated any of their rules/regulation in rejecting the candidature of the applicant for this examination. They have refrained from debarring him forever, for his deliberate misrepresentation, and have only warned him against repetition of such conduct. Hence, we see no reason to interfere with the decision of the UPSC.

7. The OA is therefore, dismissed. No costs.

(Hina P. Shah)
Member (J)

(Dinesh Sharma)
Member (A)

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