

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

**O.A. No. 2057/2021**

**This the 22<sup>nd</sup> Day of September, 2021**

(Through Video Conferencing)

**Hon'ble Ms. Manjula Das, Chairman  
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Neeta Yadav, aged about 47 years, Group – B  
W/o Shri Anil Yadav,  
R/o Flat No. 126, Punjabi Bagh,  
Apartments Main Rohtak Road,  
New Delhi - 110063

... Applicant

(By Advocate : Shri Pushpinder Yadav)

**Versus**

1. Union Public Service Commission,  
Through the Chairman, Dholpur,  
House Shahjahan Road, New Delhi – 69
2. The Govt. of Delhi,  
Through the Principal Secretary,  
Department of Education,  
Old Secretariat, Delhi – 54.
3. Director of Education,  
Govt. of NCT Delhi  
At Old Secretariat, Delhi – 54.

... Respondents

(By Advocates : Shri R.V. Sinha for Respondent No. 1  
Shri H.A. Khan for Respondent No. 2 and 3)





## **O R D E R (ORAL)**

### **Hon'ble Ms. Manjula Das, Chairman:**

The applicant has filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985, seeking the following reliefs:-

“I. Quash and set aside rejection order dated 2.09.2021.

II. Direct the respondents to receive the applications of the applicant if they are eligible with reference to 29.07.2021 and the applicant who become eligible between 13.05.2021 and 29.07.2021 shall be dealt with separately and if any of them are selected in pursuance of OA No.13678/2021 titled as Chandan Singh and others vs. UPSC as per interim order dated 27.07.2021.”

2. Brief facts of the case are that initially the UPSC issued Advertisement Notification No.07/2021 (Annexure A-2) on 24.04.2021 inviting on-line applications from eligible and qualified candidates for filling up 363 posts of Principal under the Directorate of Education, GNCTD, stipulating the last date for submission of applications as 13.05.2021. However, due to Covid-19 pandemic, the process of receiving applications was kept on hold. However, the respondents reactivated the advertisement and stipulated 29.07.2021, as last date of receiving applications with a rider that the eligibility criteria, i.e., age, educational qualification, experience etc. will be counted as on 13.5.2021, as the aforesaid vacancy was originally



scheduled to be launched with vacancy details on 24.04.2021 with the closing date 13.05.2021.

3. Learned counsel for the applicant submits that it is not a case of extension of time to submit applications beyond the last date but determining the eligibility, experience and qualification for the post as per the last date of the previous advertisement, which is bad in law.

4. It is the case of the applicant that he filled up the application for the post in question on the UPSC's link and uploaded all the documents but he was unable to submit his application as the portal prompted that he did not possess the required experience. He then visited the UPSC office for submitting his application offline, where he was informed that offline applications are received only from those candidates who have got interim order from the Central Administrative Tribunal, as has been passed on 27.07.2021 in the case of **Chandan Singh and others vs. UPSC** [OA No.1368/2021], in favour of the applicants therein.

5. The limited grievance of the applicant is to the extent that UPSC should have accepted his offline application being similarly situated as the candidates who are applicants in OA No.1368/2021. When his request was

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not acceded to by the UPSC, he submitted a representation dated 25.08.2021 in this regard which came to be rejected by the respondents vide order dated 02.09.2021.

6. We have heard Sh. Pushpender Yadav, learned counsel for the applicant and Sh. R.V. Sinha, learned counsel for the respondent No.1 and Sh. H.A.Khan, learned counsel for respondents No.2 & 3 and have perused the record.

7. It is noticed that when the applicant was not able to submit his application online, he visited the office of UPSC, where he came to know that this Tribunal had passed interim order in OA No.1368/2021 (supra) directing the respondents to receive applications from the applicants therein if they are eligible with reference to the date 29.07.2021, and the applicants who became eligible between 13.05.2021 and 29.07.2021, shall be dealt with separately, and if any of them are selected, further steps shall be deferred till disposal of that OA. It is also admitted that the applicant did not choose to approach this Tribunal, but preferred a representation belatedly, i.e., on 25.08.2021, after the extended last date of submission of applications was over and, therefore, we are of the



considered view that the respondents have rightly rejected his representation.

8. We further find that the applicant has not been vigilant in seeking enforcement of his rights even after extending the date of receiving applications by the respondents from 13.05.2021 to 29.07.2021, and he has not even taken any effective steps so as to enable him to submit his offline application with the respondents. He rather approached this Tribunal on 16.09.2021 i.e. much after the extended closing date. It is also noted that the interim order passed in OA No.1368/2021, which was in *personam* and not in *rem*, does not create any right in favour of applicant herein.

9. In view of that, we do not find any merit in this OA and the same is accordingly dismissed. There shall be no order as to costs.

**(Mohd. Jamshed)**  
**Member (A)**

**(Manjula Das)**  
**Chairman**

/sd/vb /akshaya/