

Item No. 22



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

**O.A. No.736/2021
M.A. No. 971/2021**

This the 05th day of July, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

1. Aakip Khan, Age-22 years,
S/o Sh. Khursheed Khan,
R/o – Vill& P.O-KherliBhadur,
Tehsil – Govindgarh, Dist – Alwar
2. Dilip Singh Rajpurohit, Age-25
S/o – Bhanwar Singh Rajpurohit
R/o – 10-D, BhagwanMahavir Nagar,
Near K.N. Hospital, Pal Link Road,
Jhodhpur Rajasthan – 342008.

... Applicants

(By Advocate : Mr. Pushpinder Yadav)

Versus

1. Union Public Service Commission
Through its Chairman,
Dholpur House
Shah Jahan Road, New Delhi - 110069
2. Union of India,
Ministry of Home Affairs,
Through its Secretary,
North Block, New Delhi – 110001.

... Respondents

(By Advocate : Mr. R.V. Sinha)

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ORDER (Oral)**Justice L. Narasimha Reddy:**

The respondents issued notification for Civil Service Examination (CSE), 2020. The last date for submission of application was 11.11.2020. The applicants herein submitted their candidature and they participated in the Preliminary as well as Main Examinations. Show Cause Notices were issued to them on 26.02.2021 and 12.03.2021, stating that they did not submit the requisite certificates of education, i.e. Graduation by 11.11.2020. In their representations, the applicants stated that though they appeared in the relevant examination before the stipulated date, the concerned University did not declare the result due to lockdown. Not satisfied with that, the UPSC passed separate orders dated 12.03.2021, cancelling the candidature of the applicants. This OA is filed, challenging the orders dated 12.03.2021.

2. The applicants contend that it is no fault of them, that the results were not declared by the concerned University, and their candidature cannot be cancelled, particularly when the selection process is still in progress. They submit that once they appeared in the qualifying examination, they would be deemed to have obtained the qualification with reference to the date of appearing in the examination, irrespective of the date on which the results were declared.

3. We heard Sh. Pushpinder Yadav, learned counsel for the applicants and Sh. RV Sinha with Sh. Amit Sinha, learned counsel for the respondents, at the stage of admission.

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4. The only reason mentioned in the impugned order is that the applicants did not clear the examination, i.e. Graduation by 11.11.2020. It may be true that the applicants may have appeared in the final examination. The fact remains that they do not have in their possession, the degree/certificates from the concerned University or at least the marksheets. The Hon'ble Supreme Court held that the relevant date for deciding the qualification of the candidate is the one, on which the results are declared and not the date on which the examination has taken place. Whatever be the reasons, the requirement as to eligibility cannot be ignored.

5. We do not find any merit in the OA. It is accordingly dismissed.

6. Pending MA also stands disposed of.

There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

sunita/lg/ns/akshaya/sd