

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

**O.A. No. 261/2021
M.A. No. 313/2021**

This the 5th day of February, 2021

(Through Video Conferencing)

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



1. Abhishek Verma, Group B
R/o Veer Durgadas Nagar Behind Ram Mandir
Marwar junction District-Pali Rajasthan
2. Ramveer Singh Gujar, Group B
S/o Surendra Singh Gujar
R/o B-1269, 1st Floor, GD Colony
Mayur vihar, Phase-III, Delhi-110096.
3. Rakesh Saran, Group B
S/o Sh. Tan Singh
R/o Plot No. 26, Poultry Farm
Agra Road, Jaipur 302031. ... Applicants

(through Sh. Anurag Ojha)

Versus

1. Ministry of Information & Broadcasting
Through its Secretary
Soochana Bhawan Lodhi Road, Delhi
New Delhi – 110003.
2. Union Public Service Commission
Through its Secretary
UPSC Bhavan, Shahjahan Road
Man Singh Road Area, New Delhi-110069.
... Respondents

(through Sh. Hanu Bhaskar for Respondent No. 1 and Sh. R.V. Sinha with Shri Amit Sinha for Respondent No. 2)



ORDER (Oral)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman:

The Union Public Service Commission (UPSC) issued an Advertisement No. 11/2017 for various posts including those in Senior Grade (SG) of the Indian Information Service. The applicants herein were also the candidates. It is stated that the selection is only on the basis of the experience of the candidates, as provided for under the Recruitment Rules. The list of selected candidates was published in May, 2019, and the applicants were not selected. They filed this OA with a prayer to declare the Advertisement No. 11/2017 , insofar it relates to method of reservation and adoption of faulty selection process, as bad in law & illegal and in consequence, to set aside the same. Another prayer is to direct the respondents to operate the reserve list.

2. The applicants contend that had the respondents implemented the reservation policy correctly, there would have been occasion to shift some of the OBC candidates to Un-reserved category, and they would have stood a chance of being selected.

3. We heard Sh. Anurag Ojha, learned counsel for the applicants, Sh. Hanu Bhaskar, learned counsel for respondent no. 1 and Sh. R.V. Sinha with Shri Amit Sinha, learned counsel for respondent no. 2, at length, at the stage of admission.



4. The first prayer in the OA is to declare the Advertisement itself as illegal and to set aside the same. On the face of it, the prayer is untenable. The reason is that the applicants have taken part in the selection process and they have chosen to challenge it only when they were not selected. Such a course is totally impermissible in law.

5. The second prayer is to direct the respondents to operate the reserve list. It is not known as to whether the respondents have prepared a reserve list with reference to the concerned posts and if so, the life thereof. However, in the case, the reserve list prepared, is still alive, and the user department has notified any vacancies within the time frame, the feasibility of operating the same can be considered.

6. The OA is accordingly disposed of. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/lg/vb/ns/ankit