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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

ORIGINAL APPLICATION NO.501 of 1987

Suraj Bhan Applicant.

Versus

Union of India and another ... Respondents.

Hon'ble Ajay Johri-AM

Hon'ble G.S.Sharma-JM

(By Hon'ble A.Johri-AM)

This is an application under Section 19 of the Administrative Tribunals Act XIII of 1985. The petitioner is a candidate for the Civil Services Preliminary Examination, 1987 in response to an advertisement. He sent his application on 22nd of January, 1987. This application was rejected by the Union Public Service Commission as it was received late, i.e., it was received on 2.2.1987 instead of last date of 27.1.1987. The petitioner has sought relief praying that the order of the Union Public Service Commission dated 20.4.1987 rejecting his candidature may be quashed and the respondents be directed to entertain the aforesaid application and to permit the petitioner to appear in the said examination. He has also asked for interim relief.

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2. We have heard the learned counsel for the petitioner. The application was sent by the petitioner on 22.1.87, under postal certificate. The

contentions raised by the learned counsel for the applicant were that Union Public Service Commission has given certain relief to applications being received after the last date from Bihar on account of strike by Railway Mail Service under those areas and since they have entertained the application beyond time, refusal to entertain the petitioner's application tantamounts to discrimination. He also contended that Union Public Service Commission has given a different date for certain other States of the Union and therefore, the date which has been fixed for other States should be kept as the only date by which the applications should have been received from all the States of Union. We have gone through the application at Annexure III of the petition. This is a letter from Union Public Service Commission to the petitioner dated 20.4.1987 rejecting his candidature on account of receipt of his application on 2.2.1987 instead of ^{3/} ~~on~~ 27.1.1987. In this annexure, an extract of the Employment News special supplement dated 13.12.86 has also been produced and it lays down that complete application forms must reach the Secretary Union Public Service Commission, New Delhi by post or by personal delivery at the counter on or before 27.1.87. A date 10.2.1987 has also been indicated, ~~xx~~ in the case of candidates who reside in Assam, Meghalaya and Sikkim, etc. The extract also lays down that the application which are received after the prescribed date

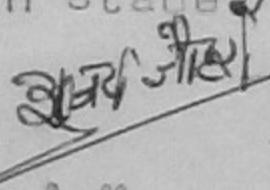
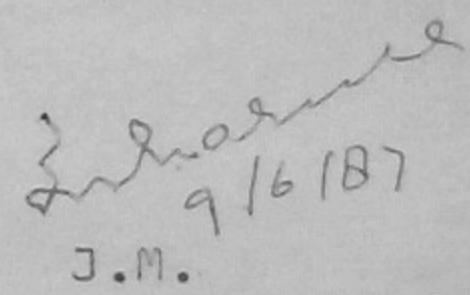
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will not be considered. We are not convinced that fixing of different dates in different States in any way leads to discrimination and is against the spirit of Articles 14 and 16 of the Constitution. The petitioner had ample opportunity to send his application in time. He does not fall in the same category such as candidates belonging to other States for which different date has been fixed and as such we do not consider that he has a case for condonation of late ~~or even~~ submission of application, on same grounds as in the case of candidates who were given relaxation on account of Railway Mail Service strike.

3. In the result, we find no merit in this petition and therefore, the same is rejected at admission stage.


A.M.
J.M.

Dt. Date 9, 1987
JS.