

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH.

Dated: this 17th day of July, 1995.

ORIGINAL APPLICATION NO.476/95.

Hon'ble Mr. Justice B.C.Saksena, V.C.
Hon'ble Mr. S.Das Gupta, A.M.

1. Jawed Ahmad Khan, s/o Sri Mohammed Suleman, Khan, r/o c/o Huda Bros. 4B South Malaka, Allahabad.
2. Subodh Mani Sharma, s/o Shri Udit Narain Sharma, r/o M.O. Quarter no.3,2C Bili Road, Allahabad.

• • • APPLICANTS.

By Advocate Shri S.K.Tyagi.

Versus

1. Union of India, through Ministry of Grievance and Pension Department of Personnel and Training, New Delhi.
2. Union Public Service Commission, through its Secretary, Shahjahan Road, Dolhpur, New Delhi.

• • • RESPONDENTS.

By Advocate Shri Satish Chaturvedi.

O R D E R.

By Hon'ble Mr. S.Das Gupta, A.M.

Two applicants have filed this original application under 19 of the Administrative Tribunal Act, 1985 seeking the relief of a direction to the respondent no. 2 to accept their application forms for the preliminary examination of the Civil Services Examination, 1995 and also to permit them to appear in the said examination commencing in June, 1995.

2. Both the applicants intend to appear in the Civil Services Examination, 1995. Both of them filled forms for the examination and sent it to the respondent no. 2 for acceptance but both the application forms have been rejected by the respondent no. 2 on the ground that they are over-aged.

3. It has been stated by the applicants that the age limit for the Civil Services Examination held in 1990 was 26 years and the number of attempts was only 3. However, by

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subsequent notification age limit and the number of attempts were changed to 28 years and 4 respectively. Subsequently, the Government of India enhanced the age limit to 32 years so that more students could avail of the opportunity of the 4th attempt. For the 1991 examinations the age limit was 28 years and the number of attempts was 4. In 1992 the age limit was enhanced to 33 years and the number of attempts to 5. It is further stated that in the year 1993 the respondent no. 2 issued a notification for Civil Services Examinations for 1993 as well as 1994 and in this notification the age limit was fixed as 28 years and the number of attempts at 4. It is alleged that this reduction of the age limit from 33 years to 28 years and also number of attempts from 5 to 4 are arbitrary and discriminatory. Both the applicants would cross the upper age limit of 28 years on the cutt-off date of 1st August, 1995 and as such they are not in a position to take the 4th attempt for the 1995 examinations. Their casey is that since the candidates in the reserve quota are being given relaxation of 3 years, the candidates of the general category, to which the applicants belong, should be given a proportionate relaxation of one year in age and one extra attempt. The applicants stated that otherwise there will be a violation of Articles 14 and 16 of the Constitution.

4. In the case of Rajesh Pandey and others v. Union of India and others decided on 14.2.1994 by the Principal Bench of the Tribunal, it was held that the examination conducted each year falls under separate category. The candidates appearing in the examination of a particular year constitute a well defined class and hence the applicants cannot complain the denial of equal protection on the ground that different set of rules of eligibility were applied to the examination of 1992. The applicants cannot succeed unless they demonstrate that the Central Government has failed to exercise their power of relaxation capriciously and arbitrarily. A similar view was taken by Allahabad Bench of the Tribunal in the case of V.P. Shukla and another v. Government of India in OA No.165/1994.

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5. We respectfully follow the above decision in so far as the discrimination alleged with regard to the relaxation given both in age and number of attempts and hold that since the examinations conducted each year fall in separate category, the plea of violation of Article 14 and 16 of the Constitution cannot be raised, merely because certain relaxations were allowed in the earlier years, but not for the examinations held in subsequent years.

6. So ~~regarding~~ the question of granting relaxation in respect of the candidates of reserved category, the applicants have annexed the copy of notification published in the newspaper by which the candidates belonging to the other backward communities have been granted relaxation of 3 years in the upper age limit ~~and the number of attempts~~ and the number of attempts for them has also been increased from 4 to 7. The applicants' case is that the candidates belonging to general category should also be given a proportionate relaxation.

9. We have carefully considered the plea raised by the applicants. Whether or not a particular community should be given certain relaxation for the Civil Services Examination is a matter coming within the policy of the Government. We are aware that the relaxation in respect of the other backward communities has been given in compliance with certain decisions of the Apex Court. This decision of the Government of India or its vires is not under challenge in this application. What is prayed for is that a proportionate relaxation be given to general candidates. The applicants have not cited any rule or any principle of law under which the respondents are obliged to grant any such proportionate relaxation. Since the general candidates form ~~a~~ a distinct class separate from the candidates belonging to the other backward communities, the question of discrimination between two different groups with regard to the upper age limit and the number of attempts ~~not~~ can be successfully raised unless it is shown that the differential in this respect for the two categories has no rational nexus with the objective sought to be achieved

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by granting special relaxation to the candidates belonging to the other backward communities. No such plea has been raised.

10. In view of the foregoing we find no merit in this application and the same is accordingly dismissed.

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Member(A)

B.C. Lakshmi
V.C.

Shri S. Dayal (A.M) is hereby authorized to pronounce this Judgment/Order.

B.C. Lakshmi
26/6/95.