

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 9TH DAY OF NOVEMBER, 1995

Original Application No. 1156 of 1995

HON. MR. JUSTICE B.C. SAKSENA, V.C.

HON. MR. S. DAYAL, MEMBER(A)

Udai Vir Singh, son of Nathu Ram
R/o L.I.G 7, Govindpur Colony
Allahabad.

..... Applicant

BY ADVOCATE SHRI ANUPAM SHUKLA

Versus

1. Union of India through its
Secretary Union Public Service
Commission, Dholpur House, Shahjahan
Road, New Delhi.
2. The Under Secretary Union Public
Service Commission Dholpur House,
Shahjahan Road, New Delhi
3. The U.P. Public Service Commission at
Allahabad through its Secretary
Controller of Examinations for conducting
Civil Service Main Examination 1995

..... Respondents

BY ADVOCATE SHRI SATISH CHATURVEDI

O R D E R (ORAL)

JUSTICE B.C. SAKSENA, V.C.

We have heard the learned counsels for the parties. The applicant alleges that he has cleared preliminary examination of the Civil Service Examination for the year 1995. He had submitted an application for appearing at the Main Examination to be conducted in the month of November/December. Vide letter dated 10.10.95 Annexure No.1 issued by the Under Secretary, Union Public Service Commission the applicant has been informed that his application for Civil Services Examination (Main Examination 1995) has been rejected for the reason that only one optional subject

(Code 30) is indicated as against 2 required. The applicant has filed this O.A feeling aggrieved by the said communication. The applicant after service of the said communication upon him states that he preferred a representation, copy of which is Annexure 2 but no reply to his representation has been received so far.

2. The learned counsel for the applicant urged that in the Rules for the Civil Services (Main) Examination 1995 Rule 7 interalia provides that:

" An application which is not in the prescribed form or which is incomplete or is incorrectly filled in ~~order~~ gives wrong code number in any of the column is liable to be rejected."

The submission of the learned counsel was that even if it be that instead of indicating the 2 optional subjects the applicant had indicated only one optional subject, according to the language used in Rule 7, ~~that~~ specifically where it prescribes that an application is liable to be rejected, indicates that it is not a mandatory provision. The submission is that there is an element of discretion ^{vested} ~~for~~ with the authority and keeping in view the infirmity pointed out in the application form it could have been condoned instead of rejecting the application altogether.

3. The learned counsel Shri Satish Chaturvedi for the respondents drew our attention to Rule 6 of the said Rule. Rule 6 provides:

" candidates are advised to read carefully the rules of the examination, which include the detailed scheme of the examination, as published in the Govt. of India Gazette Extra Ordinary dated 24.12.94 (copy enclosed) they should, therefore, a special care to fill up the application form correctly. No column of the application form should be left blank.

It has also been provided in the said rule that candidates should note that under no circumstances they be allowed a change in any of the optional subjects. The learned counsel for the applicant in respect to the last part of Rule 6 referred to hereinabove submitted that to fill up an omission is an altogether different exercise from asking for a change in the optional subject. He therefore submitted that the said provision would not stand in the way of the applicant.

4. These rules have been framed in exercise of Statutory power under Section 7 of the Indian Administrative Services (Recruitment) Rules 1954. Thus these rules are Statutory in nature

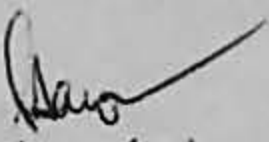
5. The learned counsel for the respondents drew our attention to a decision of the Hon'ble Supreme Court reported in J.T 1992 (4) S.C. 348 Re. Karnatak Public Service Commission and Others Vs. B.M. Vijaya Shankar and Others. This decision has been cited to meet the plea raised by the applicant that there has been violation of principles of natural justice and the applicant has not been afforded any opportunity before cancelling his application form.

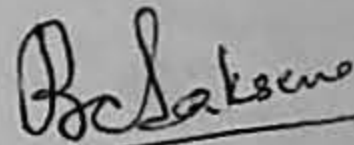
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In view of the said decision in our opinion the plea of violation of the principle of natural justice is untenable. We have already ^{extracted} ~~expressed~~ Rule 6 hereinabove. In the rule it has very clearly been indicated that no correspondence would be entertained by the Commission from the candidates to change any of the entries made in the application form. Thus the representation made by the applicant was not maintainable. In the rules it ^{is} clearly provided, if any column is not filled up correctly the application is liable to be rejected. In view of this clear stipulation in the rules it is difficult to hold that the principles of natural justice would be applicable.

6. No other point has been urged.

7. In view of the discussion hereinabove, the O.A lacks merit and is dismissed summarily.


Member (A)


Vice Chairman

Dated: 9th November, 1995

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