

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 15th day of March 1999.

Original Application no. 68 of 1999.

Hon'ble Mr. Justice Neelam Sanjiva Reddy, Vice-Chairman
Hon'ble Mr. G. Ramakrishnan, Administrative Member

Dudh Nath, S/o Shri Vishwa Nath, R/o Type IV/32, Anpara Colony, Sonbhadra, U.P.

... Applicant.

C/A Shri I.M. Kushwaha

Versus

1. Union of India, through, Secretary, Ministry of Personal, New Delhi.
2. Union Public Service Commission, through its Secretary, New Delhi.

... Respondents

C/R ...

ORDER

Hon'ble Mr. Justice Neelam Sanjiva Reddy, V.C.

Heard Shri I.M. Kushwaha, learned counsel for the applicant on admission. The applicant belongs to Other Backward Classes candidates. He has already made 7 attempts in the Civil Services Examinations and could

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(Defence)
succeed in the 7th attempt for the allied services/1 By this application he sought for another chance to appear in the Civil Services Examination to improve his cadre for higher service.

2. After hearing the counsel and perusal of records, we are of the view that there are no grounds to admit this petition. It is seen from the Union Public Service Commission's notification annexed herein at page 14 that number of attempts allowed to Other Backward classes are 7 only. Relevant para reads as follows :-

"Number of attempts:-

Every candidate appearing at the Civil Services Examination, who is otherwise eligible, shall be permitted four attempts at the examination.

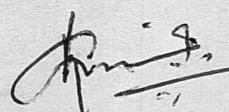
Provided that this restriction on the number of attempts will not apply in the case of Scheduled Caste and Scheduled Tribe candidates who are otherwise eligible.

Provided further that the number of attempts permissible to candidates belonging to Other Backward Classes, who are otherwise eligible, shall be seven."

3. Thus it is clear from the above para that Other Backward Classes can not avail more than 7 attempts. The submission of the learned counsel/1 that the Other Backward Classes have to be treated at par with Scheduled Caste and Scheduled Tribes candidates for whom there are no limit for attempts. We are unable to agree with the above submission, as we are of the view that the restriction imposed for attempts allowed for different classes are

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based on reasonable classification, and of the view that no Fundamental Right of the applicant is infringed by this classification in limiting the number as 7 for Other Backward Classes. Hence this Original Application is dismissed at the stage of admission.



Member-A



Vice-Chairman

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