

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.489/11

Tuesday this the 7th day of June 2011

C O R A M :

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER
HON'BLE Mr.K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER

Praveen Sam Moncy,
S/o.Moncy Samuel,
Pullimoottil House, Angadical,
Puthencavu PO, Chengannur – 689 123.

...Applicant

(By Advocate Mr.P.Ramakrishnan)

V e r s u s

1. Union of India represented by Secretary,
Department of Personnel & Training,
New Delhi – 110 011.
2. The Union Public Service Commission,
Dholpur House, Shajahan Road,
New Delhi – 110 069
represented by its Secretary.

...Respondents

(By Advocate Mr.Sunil Jacob Jose,SCGSC [R1]
& Mr.Thomas Mathew Nellimoottil [R2])

This application having been heard on 7th June 2011 this Tribunal on the same day delivered the following :-

ORDER

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER

The applicant is aggrieved by the rejection of his candidature for appearing in the Civil Service Examinations, 2011 to be conducted by the respondents. Annexure A-3 is the letter rejecting his candidature, as per which, his application is rejected for not filling up his community in the appropriate column. According to the applicant, he has duly filled up all the columns.

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2. The counsel appearing for the respondent No.2, Shri.Thomas Mathew Nellimoottil, made available a copy of his application received by him through fax which shows that the applicant has not filled up the community in the application form. The counsel, Shri.Thomas Mathew Nellimoottil, pointed out that the applicant has also not affixed the photograph. It is true that in the fax copy it is not there but normally fax copy ^{may} ~~did~~ not contain the photograph and ^{at any rate} in the absence of any rejection on the aforesaid ground we need not examine the same. However, as per the conditions contained in the information brochure "column Nos.1 to 19 and 28 to 33 are mandatory and non filling of any of the above columns may result in summarily rejection of application form." Even though it is contended by the counsel appearing on behalf of the applicant that the applicant had been given the roll number which normally is done after the scrutiny of the application, the mere fact that he has been given the roll number does not take away the right of the respondents to reject the application, if it is otherwise defective.

3. We have perused the copy of the application and are satisfied that the application is defective as pointed out in the communication sent to the applicant. According to the applicant, he may be permitted to participate in the preliminary examination. In this context we need only refer to the unreported decision of the Hon'ble High Court of Delhi in Civil Writ No.2924/02 & C.M.Nos.5107, 5108/02, a copy of which is made available by the counsel appearing for the respondents, wherein it has been held that lakhs of candidates appear in the Civil Service Examination and in case permission is granted to the petitioner to appear in the examination

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despite the application being not complete, thousands of other students who are similarly placed and whose applications have also been rejected on the similar grounds may also approach the respondent for being permitted to appear in the examination and it may then not be possible for the respondents to hold the examination on the schedule date and time. Even otherwise it may not be possible for the respondents to deal with such a large number of students. Yet in another decision of the Hon'ble High Court of Delhi in *Jata Shankar Shukla Vs. Union Public Service Commission and others* in C.M.Writ Petition No.20916/02 they refer to instruction No.7 of the information brochure wherein it is specifically mentioned that "No addition/alteration in the entries made in the form is allowed at any subsequent stage" which clearly shows that candidate cannot change the entries subsequently.

4. In this case when we are convinced that a particular column regarding community is not filled up and the rejection of the application is on the aforesaid ground and being one of the mandatory condition that these columns should be filled up, we do not find any illegality in rejecting the application of the applicant. We, therefore, find no merit in the Original Application and the same is dismissed accordingly.

5. A copy of this order be issued today itself.

(Dated this the 7th day of June 2011)



K. GEORGE JOSEPH
ADMINISTRATIVE MEMBER
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JUSTICE P.R. RAMAN
JUDICIAL MEMBER