

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH HYDERABAD

OA 144/94

Between

Ernam Samuel Sanjeeva Rao ... Applicant

And

Union Public Service Commission represented by its Secretary, Dholpur House, New Delhi ... Respondent

Counsel for the applicant Shri J. Sudheer

Counsel for the Respondent Shri N.R. Devaraj Sr. Standing counsel.

Coram

Hon'ble Justice Shri V. Neeladri Rao, Vice-Chairman Hon'ble Shri R. Rangarajan, Member (Admn.)



DA.144/94

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, Vice Chairman)

Heard Sri J. Sudheer, learned counsel for the applicant

and Sri N.R. Devaraj, learned counsel for the respondent.

2. This OA was filed praying for the following relief

2. In allowed to the following relief

3. In allowed to the following relief

4. In allowed to the following relief

5. In allowed to the following relief

6. In allowed the for Essay paper of Civil Services

6. Examination, 1993, for purpose of selection and ranking

6. In allowed the candidate, to

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6. In allowed the following that the

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- 3. The Social status of the applicant is SC. He now crossed 33 years. Hence, he is not further eligible for appearing for IBS and Allied Services. He appeared for 1993 IAS and Allied Services examinations. He was qualified for appearing for the Main Examination and he appeared for the Main Examination, 1993.
- 4. In 1993, one of the papers was asked by the candidates to appear for the above examination is on Essay. It had to be answered in the language in which the candidates had chosen to answer the papers III to VIII i.e. the General Studies and the Optionals. The applicant had chosen to answer these papers in English. As such it had become



necessary for the applicant towrite the Essay paper also in English.

- It is stated for the applicant that he studied up to B.A. in Telugu and hence he is more proficient to write the Essay paper in Telugu and when he had not studied (8 Armin English, it will be difficult for him to write Essay paper in English. He had chosen to answer the General Knowledge and Optional papers in English, while he studied them in English of the Post Graduate level. It is pleaded for the applicant that when in the notification the object of the Essay paper would test the capacity to express, it will be unreasonable to direct the candidates to answer the Essay paper in a particular language i.e. in the language in which he had chosen to answer the General Knowledge and Optional papers instead of leaving the choice to the applican't to write it in his mother tangue or in any language in the VIII Schedule of the Constitution, in which be is or oficient.
- Eivil Services Examination, 1992, in regard to the Civil Services Examination, 1992, in regard to the Civil Services Examination, 1993, it was specifically mentioned that Essay paper had to be written in the language in which the candidates write General knowledge and Optional papers. But the applicant had chosen to challenge the same only after he had written the Essay paper in the Final Examination, 1993. He had not even chosen to challenge it after he was qualified in the Preliminary, 1993. It is stated that due to poverty the applicant could not challenge it before he had written the final Examination, 1993.
- 7. We feel that the latches assume importance in this case. The respondent i.e. UPSC is adopting time bound schedule in conducting this examination and one knows almost with



the month in which the Preliminary Examination will be conducted and the month in which the final examination will be conducted. If any direction is given, it will naturally upset the entire schedule. Ofcourse, if one approaches the Court/Tribunal in time, there will be a possibility of issuing a direction moulding it in such a way that it may not affect the time schedule followed by the UPSC. If proper the affecting the interests of many candidates.

8. In this case, the applicant is seeking a direction to

the respondent not to take into account the marks allotted for Essay paper of the Civil Services Examination, 1993. is not known as to whether all the candidates who appeared for 1993 examination are interested in such a direction. Itis ultimetely the Principles of Natural Justice that noworder should be given without giveng an apportunity to the concerned to represent their case. Hence, if notice is given to be directed to all the candidates, who appear for 1993 Civil Services Examination, then it is macessary for this Tribunal to give a direction to the UPSC not to announce the result till this OA is disposed. If no such direction is going to be given, then even if ultimately is the applicant succeeds it is not possible to give any direction to the respondent, for by the time this OA is decided finally, the candidates including the candidates from S.C. Community selected would have been appointed and they would be working in their respective posts. If for accommodating the applicant, in case he succeeds then the appointment of the last one in the S.C. Community has to be set aside or a direction had to be



given for creation of super-numerary posts. Even a direction for creation of supernumerary posts will lead to
complications in fixation of seniority for the recruitment
for all these services is both on the basis of direct
recruitment and also on premotion.

9. So we feel that when ultimately no order in favour of the applicant is given even if the contention for the applicant that the instruction to the

written General Studies and Optional is arbitrary, atilities on the basis of his performance on the General Studies and Optionals only, for it is a case of comparative assessment on the basis of the performance in all the papers. If a direction is going to be given to the respondent to conduct a separate examination for the applicant in regard to Essay paper so as to enable him to write in Telugu, then we have either to give a direction to the respondent to keep one post in SC category vacant or to direct that the selection in regard to the SC community for 1993 will be subject to the result in this QA.

As already observed it will adversely affect the last

TO. Further direction is that candidates may be permitted to write the Essay paper of Civil Services 1994 in the language of their choice. As the applicant is not eligible for 1994 Civil Services Examination and as this Tribunal is not empowered to entertain applications on public interest litigations, it is not a matter for consideration in this OA.

candidate in the SC community.

111. Hence, we feel that the OA in regard to the first relief i.e. for a direction, the respondent not to take into account the marks allotted for Essay paper of Civil

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Services 1993 hed to be dismissed on the ground of latches. This OA in regard to other reliefs have to be dismissed on the ground that he has no locus standi.

12. In the result, this OA is dismissed at the admission stage. No costs.

(R. Rangarajan) Member (Admn) (V. Meeteori Rau) Vice-Chairman

Dictated in the Open Court

Deputy Registrar(J)C.C.

1. The Secretary, Union Public Service Commission,
Dholpur House, New Delhi.

2. One copy to Mr J.Sudheer, Advocate, CAT.Hyd.

3. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.

4. One copy to Library, CAT.Hyd.

5. One spare copy.

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THE FON'CLE "F. CULTICE V.NEELADRI RAO VICE-CHAIRMAN

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THE HOW BLE LA.A.B.GORTHI : MEMBER (A)

THE HOM! BLE TR.T. CHANDRASEKHAR REDDY MEMLER (JUDL)

AHD

THE HOW BLE MR.R.RANGARAJAN : MEMBER (ADMN)

Dated: 11-2-1994.

CRLER/JUDGMENT:

M.A./R.A/C.A. No.

in

O.A.No. 144/a4

T.A.No.

(W.P.No.

Admitted and Interim Directions issued.

Allowed.

Disposed of with directions.

Central Adminitarive Fribunal

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Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Crdered.

No order as to costs.

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