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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.80/97.

DATE OF ORDER : 24-1-1997.

Between :-

B.H.Rajesh Kumar

... Applicant

And

The Secretary, Union Public Service Commission,
Dholpur House, New Delhi - 110 011.

... Respondents


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Counsel for the Applicant : Shri Krishna Devan

Counsel for the Respondents : Shri V.Rajeshwar Rao, Addl.CGSC

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CCRAM:

THE HON'BLE JUSTICE SHRI M.G.CHAUDHARI : VICE-CHAIRMAN 

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A) 

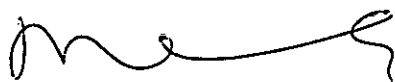
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... 2.

(Order per Hon'ble Justice Shri M.G. Chaudhari, Vice-Chairman).

Although we are convinced but hesitate to use the word frivolous hence we ^{describe} explain the application is totally mis-conceived. The applicant is a postgraduate having obtained Degree of M.A. His Secondary School Leaving certificate records his date of birth as 31-7-69. The Union Public Service Commission issued notification for Civil Services Examination, 1997 prescribing ^{that} the candidate should not have attained the age of 28 years on 1-8-97 i.e. he must have been born not earlier than 2-8-1969. Since the date of birth of the applicant is earlier to that date, he is not eligible. The last date of receiving applications for the examination is specified as 27-1-97. The O.A. has been filed on 22-1-97. However the application does not state that applicant has already applied. However on the apprehension that if he applies after the date of filing of the O.A., the application ^{may} cannot be entertained on the ground ^{of} he being over aged. This application is filed seeking a declaration that the explanatory note contained ^{that} on the advertisement stating ~~that~~ only the date of birth ~~entered~~ entered in the Matriculation Certificate or Secondary School Leaving Certificate or ~~in~~ in a certificate recognised by the Indian Government as equivalent to the Matriculation in the prescribed manner will alone be accepted by the commission as proof of age and "no other documents relating to horoscopes/affidavit/birth extract from Municipal Corporation/Service Records and like will ^{not} be accepted. ^{is violative of Art 14 of the Constitution} The applicant challenges this ^{note} requirement. In the first place the applicant has no

locus standi
~~locus standi~~ to approach the Tribunal without submitting an application to the commission. Secondly the conditions prescribed by the Commission are absolutely reasonable and cannot be interfered with. Thirdly the applicant ^{knew it} ~~knew that his~~ date of birth ^{as} ~~to be~~ recorded ~~as shown~~ in the Matriculation certificate and if at all it was wrong he should have got it rectified in ^a ~~the~~ legal manner. The commission is not concerned with the rectification. Therefore the ground urged that the impugned condition in the notification is violative of constitution of India is untenable. The application is accordingly rejected. No order as to costs.



(R. RANGARAJAN)
Member (A)



(M.G. CHAUDHARI)
Vice-Chairman

Dated: 24th January, 1997.

Dictated in Open Court.

avl/

For/By
29-1
Deputy Registrar CC

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O.A. 80/97

To

1. The Secretary,
U.P.S.C. Bhelapur House,
New Delhi-11.
2. One copy to Mr. Krishna Devan, Advocate, CAT.Hyd.
3. One copy to Mr. V. Rajeshwar Rao, Addl. CGSC. CAT.Hyd.
4. One copy to Library, CAT.Hyd.
5. One spare copy.

pvm.

24/2/97

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI
VICE-CHAIRMAN

AND

R. Langa Rasan
THE HON'BLE MR. H. RAJENDRA PRASAD
MEMBER (ADMN)

Dated: 24-1-1997

ORDER / JUDGMENT

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

in

O.A. No.

80/97

T.A. No.

(W.P.)

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

By order as to costs.

pvm.

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal भेज/DESPATCH 10 FEB 1997 हैदराबाद न्यायपीठ HYDERABAD BENCH
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