

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA 100/2083/2014
CP 100/467/2018
MA 100/1346/2015
MA 100/2656/2015

New Delhi, this the 3rd day of August, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

OA 100/2083/2014

Jadhavar Vishwas Haridas,
S/o Shri Jadhavar Haridas Maruti
At Post Wadji, Talluka – Washi
District: Osmanabad, Maharashtra ... Applicant

(Through Shri Soumya Chakraborty, Senior Advocate with Shri Pankaj Sharma and Shri Rajasaheb Patil, Advocates)

Versus

1. Union Public Service Commission,
(Through Secretary)
Dholpur House, Shahjahan Road,
New Delhi-110069
2. Union of India,
(Through Secretary DOPT),
Department of Personnel & Training,
Ministry of Personnel, Public Grievances & Pensions
Govt. of India, North Block,
New Delhi
3. Union of India
(Through Secretary)
Ministry of Social Justice & Empowerment,
Govt. of India, Shastri Bhawan,
New Delhi ... Respondents

(Through Shri Ravinder Agarwal, Shri S.N. Verma and Shri Amit Yadav, Advocates)

CP 100/467/2018

Jadhavar Vishwas Haridas,
 S/o Shri Haridas Maruti Jadhavar
 At Post Wadji, Talluka – Washi
 District: Osmanabad, PIN 413525
 Maharashtra State ... Applicant

(Through Shri Soumya Chakraborty, Senior Advocate with Shri Pankaj Sharma and Shri Rajasaheb Patil, Advocates)

Versus

1. Union Public Service Commission,
 Through Chairman
 Mr. Arvind Saxena
 Dholpur House, Shahjahan Road,
 New Delhi-110069
2. Union of India,
 Through Secretary
 Ms. Shakuntala Doley Gamlin
 Ministry of Social Justice & Empowerment
 Government of India, Shastri Bhawan,
 New Delhi ... Respondents
3. Union of India
 Through Secretary DoPT
 Shri B.P. Sharma,
 Department of Personnel & Training,
 Ministry of Personnel, Public Grievances & Pensions,
 Government of India, North Block,
 New Delhi

(Through Shri Ravinder Agarwal, Shri S.N. Verma and Shri Amit Yadav, Advocates)

ORDER (Oral)

Justice L. Narasimha Reddy, Chairman

This OA is filed challenging the debarment order dated 16.01.2014 through which the Union Public Service Commission (UPSC) cancelled the candidature of the applicant for the Civil Services Examination 2012 and debarred him from appearing in all the examinations to be conducted and selections to be made

by the Commission for a period of ten years with effect from 13.01.2014.

2. The applicant submitted his application with a view to appear in Civil Services Examination 2012. In his application, he mentioned in one column as "Deaf-Mute". He also claimed reservation by citing his community as 'OBC'. A Show Cause Notice was issued to the applicant on 18.10.2013. It was mentioned therein that he suppressed in the application form, the information about his appearance between 2004 and 2010 on seven occasions, and though he was entitled to appear only on seven occasions, he made an attempt to appear on eighth occasion in 2012 by suppressing the information. The applicant submitted his reply on 2.11.2013 and on consideration of the same, the impugned order has been passed.

3. The contention of the applicant is that though he appeared in Civil Services Examination from 2004 onwards, he mentioned in the application form submitted in 2012 as his first attempt on the ground he wanted to claim reservation as a physically handicapped person. He mentioned that he was suffering from mental illness and a detailed representation was made in this regard stating that since Section 33 of the Rights of Persons with Disabilities Act, 2016 does not provide for reservation in favour of persons with mental illness, he presented his application mentioning "Deaf-Mute" against the category of illness.

4. The respondents filed a detailed counter. It is stated that a candidate is required to furnish the facts correctly and

although the applicant appeared on seven occasions and exhausted all the permissible attempts, he submitted the application form, by suppressing this fact. It is also stated that when the aforesaid Act does not provide for relaxation under mental illness category, he could not apply.

5. Heard Shri Soumya Chakraborty, Senior Advocate with Shri Pankaj Sharma and Shri Rajasaheb Patil, for the applicant and Shri Ravinder Agarwal, Shri S.N. Verma and Shri Amit Yadav, for the respondents.

6. The UPSC conducts examinations for various civil services. A candidate is required to fill every information in the form correctly. Depending upon the categories to which the candidates belong, the number of attempts are restricted. In case of the applicant, it is seven attempts. It is not in dispute that he attempted seven times by the year 2011. However, while submitting the application form in 2012, he mentioned the number of attempts in column no.24 as 'one'. Similarly, in Part-I of the form, against the column "Physically Challenged Category", it is mentioned as "Deaf-Mute". It is thus established beyond any pale of doubt that the applicant indulged in suppression of facts and mentioned totally incorrect facts. It is a case of *suppressio veri* and *suggestio falsi*. The candidates, on being selected in the Civil Services Examination, are entrusted with the duty of the administration of the State. Obviously, for that reason, every measure is taken to ensure that the candidates are not only of adequate intelligence but also of

highest integrity. The applicant, if at all anything, has exhibited dishonesty as regards furnishing of particulars. It indicates that he felt that he can go to any extent in his anxiety to get into the civil services. We do not find any basis to interfere with the impugned order.

7. Though several other contentions were also advanced at the Bar in support of OA, we do not find it necessary to deal with the same. For instance, by filing CP No.467/2018, the applicant made an attempt to appear for Civil Services Examination 2018. As a matter of fact, an interim order was also passed in his favour. However, when it becomes clear that the applicant has exhausted all attempts by 2011 itself, the question of his appearing in subsequent years does not arise. We, therefore, recall the order dated 1.03.2018 and make it clear that it does not confer any right whatsoever in favour of the applicant.

8. In view of above, both OA as well as CP are dismissed. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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