

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.260/160/2019

Date of Reserve: 15.03.2019

Date of Order: 19.03.2019

CORAM:

HON'BLE MR.GOKUL CHANDRA PATI, MEMBER(A)
HON'BLE MR.SWARUP KUMAR MISHRA, MEMBER(J)

Pruthwiraj Lenka, aged about 42 years, S/o. Padmacharan Lenka, At/PO-KhandaSari, PS-Kakatpur, Dist-Puri.

...Applicant

By the Advocate(s)-M/s.P.K.Panda
S.B.Das
G.N.Sesh

-VERSUS-

Union of India represented through:

1. The Secretary, Department of Personnel and Training, North Block, New Delhi, - 110 001.
2. Chairman, Union Public Service Commission, New Delhi-110 069.

...Respondents

By the Advocate(s)-Mr.J.K.Nayak
Mr.S.B.Jena

ORDER

PER SWARUP KUMAR MISHRA, MEMBER(J):

Heard the learned counsels for the respective parties on the question of admission of this O.A. The applicant in this O.A. challenges the competency and legality of the cut off date being fixed by the respondents for the purpose of receiving applications from the intending candidates for Civil Services (Preliminary) and (Main) Examination. It was submitted by the learned counsel for the applicant that fixing up such cut off date ought not to have been entrusted to the administrative authorities since the individual rights

like that of the applicant has been seriously prejudiced. The advertisement dated 19.2.2019 for the examination in question has been filed at Annexure-A/4. As per the said advertisement the age-limit has been prescribed as under:

Clause-3(II)-Age Limits:

(a) A candidate must have attained the age of 21 years and must not have attained the age of 32 years on the 1st of August, 2019, i.e., he must have been born not earlier than 2nd August, 1987 and not later than 1st August, 1998. Necessary action to make corresponding changes in respective Rules/Regulations pertaining to various services is being taken separately".

2. The applicant whose date of birth is 25.4.1977 and claims to be physically challenged is entitled for relaxation of upper age limit upto 10 years as he will not be eligible to appear the examination in question in view of the cut off date fixed by the respondents. It is submitted by the learned counsel for the applicant that the fixation of the said cut off date is illegal, discriminatory and without having any reasonable nexus.

3. To counter the said submission made on behalf of the learned counsel for the applicant, it was submitted by Mr.S.B.jena, learned counsel for the respondents that the practice of fixing the cut off date is being followed by the respondents since long and there has been no discrimination in fixing the said cut off date. In order to show that the said fixation of cut off date has got a reasonable nexus with the object of conducting the examination smoothly throughout the country, he has also filed copy of OM dated 14.7.1988 regarding the facts and circumstances under which such practice of fixing cut off date in question for the purpose of conduct of Civil Service (Preliminary) & (Main) Examination is being followed.

4. In case the cut off date is changed on the request or on the application of any particular person or any person belonging to any particular state or region in the absence of any overwhelming grounds, then the respondents will not be in a position to smoothly conduct the examination in question throughout the country by giving due opportunity to all the candidates. The applicant has not been able to make out a case for interference by this Tribunal and this Tribunal is not satisfied that there has been any such illegality either procedural or otherwise committed by the respondents and that any discrimination has been made by fixing the cut off date in question. Therefore, the cut off date cannot be changed merely being asked for the same by an individual to suit his interest or to accommodate him. In view of, this, this Tribunal finds that there is no merit in this O.A. and accordingly, the same is dismissed at the threshold without being admitted. No costs.

(SWARUP KUMAR MISHRA)
MEMBER(J)

(GOKUL CHANDRA PATI)
MEMBER(A)

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