



O.A. 350/293/2019

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

ATRI KAR, son of Sri Parimal Kar,
and presently self identified as a
transgender, aged about 28
years, residing at 2/A, Shibpur
Main Road, Bansberia, Mogra,
Hooghly-712503, West Bengal

.....Applicant.

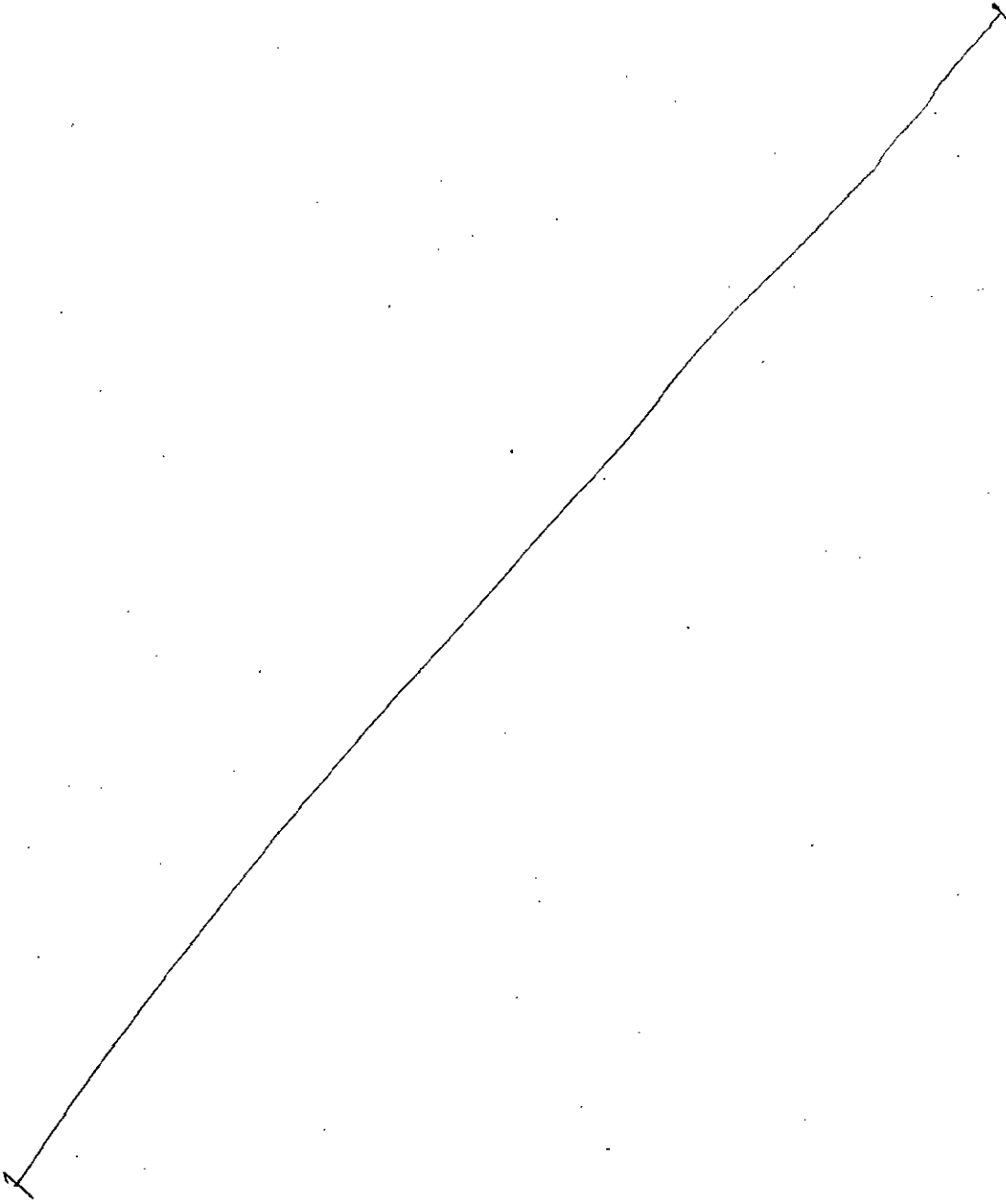
-Versus-

1. The Union of India, service
through the Secretary, Ministry
of Human Resources and
Development, having its office at
302-C, Shastri Bhawan, New
Delhi-110001.

2. The Union Public Service
Commission, represented by its
Chairman, having its office at
Dholpur House, Shahajahan
Road, New Delhi-110069;

3. The Secretary, Union Public
Service Commission, having its
office at Dholpur House,
Shahajahan Road, New Delhi-
110069.

.....Respondents.



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

O.A/350/293/2019

Date of Order: 03.09.2019

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

ATRI KAR
VS.

UNION OF INDIA & OTHERS
(UPSC)

For the applicant : None

For the respondents : Mr. A. K. Chattopadhyay, counsel

ORDER

Bidisha Banerjee, Member (J):

The applicant, a transgender, by way of this O.A. had sought for the following reliefs:

"(i) Direction upon the respondents and their men and agent to modify and/or rectify the Notification being Advertisement No. "EXAMINATION NOTICE NO.04/2019-CSP", published on 19.02.2019 and the online Application form and incorporates and/or includes the option of "Other" in the Gender category and to allow the petitioner candidate to fill up the Application Form in accordance with law;

(ii) Direction upon the respondents and their men and agent to allow the petitioner to fill up Offline form, if the respondents and their men and agent cannot modify/rectify the said Online Application within the prescribed time viz.18.03.2019;

(iii) Direction upon the respondents and their men and agent to treat the petitioner as a socially and/or economically backward class candidate and treat the petitioner as a reserved candidate and therefore waive off the requisite fees required for Registration;

(iv) Direction upon the respondents and their men and agent to not act on the impugned notice dated 19.02.2019 till the petitioner is allowed to fill up the form as per their self identified gender;

(v) Direction upon the respondents and their men and agent to pass any order as to costs, and

(vi) To pass any such other order or order as the Hon'ble Tribunal may deem fit and proper."

2. This Tribunal on 11.03.2019 had passed the following order:-

“XX
In view of the order dated 11.07.2018 in OA. 196/2018 where we had
categorically recorded the following:

"8. However, before we part, we would hasten to add that we are concerned about the fate of such candidates alike the present one. Hence, we request the DOPT to oversee that in matters of public employment, the judgment of Hon'ble Apex Court (supra) is duly implemented, so that candidates alike the present applicants are not compelled to knock the doors of Tribunals & Courts for justice, every time a recruitment/notification is issued."

We permit the applicant to sit for the examination which shall be subject to the final out come of the present OA.

Liberty is given to communicate the gist of the order to both sides."

On 13.08.2019 it was recorded as under :

"Mr. A.K. Chattopadhyay, Id. Counsel for respondents assures that even after the last date of filling up the forms for the mains examination, the applicant if found successful in the preliminary, would be allowed to sit for the mains."

Therefore, the respondents are given liberty to disclose the result of the applicant within 14 days."

3. By a communication dated 26.08.2019 the applicant has been communicated the results of Civil Services (Preliminary) Examination, 2019 wherein it is mentioned that *"I am directed to inform that on the basis of performance in CS(P) Exam, 2019, the candidate, Atri Kar bearing Roll No.0608656 has 'not qualified' for admission to CS(M) Exam, 2019, as per qualifying standard fixed by the Commission."*

4. Hence the O.A. is disposed of as infructuous.

(Dr.Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member