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*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 6163/2015

Date of judgment 02.07.2015

DR. AMIT CHOUDHARY Petitioner
Through : Mr. Krishna Kumar, Advocate

versus

UNION PUBLIC SERVICE COMMISSION..... Respondent
Through : Mr. Naresh Kaushik, Advocate,
Mr. Vardhman Kaushik, Advocate

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J. (ORAL)

1. Aggrieved by the order dated 04.12.2014 passed by the Central Administrative Tribunal (CAT), the present Writ Petition has been filed. The petitioner, pursuant to an advertisement in the Employment News dated 6-12 April, 2013 invited by the Union Public Service Commission (UPSC) for Combined Medical Services Examination, 2013, submitted his application online for examination and was issued ID No. 11322001358 and E. Admit Card Roll No. 006222 on 6.4.2013. The examination was conducted on 30.06.2013. The respondent declared the result of the aforesaid examination. Petitioner was declared successful, however, he could not submit his Detailed Application Form (DAF) on account of non communication of the result to him. It is pointed out that DAF is required to be filled as per rules of the examination by the successful candidates. The petitioner filed an OA No. 3741/2013 before the Tribunal on 21.10.2013. By order dated 25.10.2013, the Tribunal

directed the respondent to permit the petitioner to participate in the interview/personality test provisionally. By an order dated 15.09.2014, OA No. 3741/2013 was dismissed and the following observations were made.

- “2. This Tribunal while considering the matter directed the respondents vide order dated 25.05.2013 to permit the applicant to participate in the interview/personality test provisionally. It was further directed that the result of the applicant shall not be declared until further orders. According to the counsel for respondents, nothing remains in this OA as they have permitted the applicant to appear in the aforesaid examination.*
- 3. In view of the above, nothing remains in the OA. Accordingly, the OA is fit to be dismissed as having become infructuous. It is clarified that there shall be no further stay on the publication of the result. Respondents shall be free to take action in terms of Rules and instructions and terms & conditions stipulated in the advertisement issued for the said examination. The entitlement or otherwise of the applicant to appear in the interview has not been gone into and the commission shall be free to take decision as per above.*
- 4. OA is dismissed accordingly.”*

2. After passing the aforesaid order, the petitioner was not communicated the result of the interview/personality test, where he had appeared provisionally. The petitioner again approached the Central Administrative Tribunal through OA No. 4295/2014, which was also dismissed on 14.12.2014. Relevant paragraph of the judgment dated

14.12.2014 is as under.

“7. It is observed that after the disposal of the OA No. 3741/2013, no cause of action arises for the applicant to seek further remedy as given in this OA. It is for the respondents to take a decision in the matter and come to the conclusion whether the applicant was entitled to appear in the interview or not. The interim direction of the Tribunal dated 25.10.2013 inter alia allowing the applicant to provisionally appear in the examination, would in no way grant entitlement to the applicant. This is to be decided by the Commission in terms of the rules and instructions.”

3. Mr. Krishan Kumar, learned counsel for the petitioner submits that admittedly the petitioner was declared successful in the written examination conducted on 30.06.2013. Thereafter, under the order of the Tribunal, he was permitted to appear in the interview/personality test provisionally, but thereafter there has been absolute silence on the part of the respondent with regard to the declaration of the result of the interview of the petitioner.
4. Mr. Kaushik, learned counsel for the respondent submits that DAF was to be submitted by the petitioner within the time prescribed as per rules, but he failed to do so, thus his result was not declared as his candidature was cancelled. However, it is admitted that no communication in this regard was addressed to the petitioner. Learned counsel for the petitioner submits that in the absence of any reason/ findings against the petitioner, the petitioner could not have assailed the same in accordance with the law.
5. We have heard counsel for the parties and given our thoughtful

consideration to the matter. The basic facts are not in dispute that petitioner submitted his form on-line on 6.4.2013, but did not comply with the mandatory requirement of filling up a detailed application form. The petitioner then approached the Central Administrative Tribunal (CAT), which passed an order dated 21.10.2013, permitting the petitioner to participate in the interview / personality test provisionally. The OA No.3741/2013 was dismissed on 15.9.2014, as counsel for the respondent had made a statement that nothing further remained in the OA, as they had permitted the applicant to appear in the examination. Since the result of the petitioner was not declared O.A.No.4295/2014 was filed, which was dismissed on 14.12.2014. It is also not in dispute that till date the petitioner has not been informed the reasons why his result has not been declared nor any explanation with respect thereto has been rendered. Accordingly, the respondents are directed to inform the petitioner within two weeks from today the reasons for not declaring his result. All rights of the petitioner are kept open.

6. Writ petition stands disposed of, in above terms.
7. Dasti to counsel for the parties under the signatures of the Court Master.

G. S. SISTANI, J.

SANGITA DHINGRA SEHGAL, J.

JULY 02, 2015
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