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

+ **W.P.(C) 11752/2015**

% ***Judgment dated 16.12.2015***

**SHREE PRATEEK**

..... Petitioner

Through : Mr.Arvind Nayar and Ms.Neha Singh,  
Advs.

versus

**UNION OF INDIA AND ANR.**

..... Respondents

Through : Mr.Naresh Kaushik, Ms.Kritika and  
Ms.Additi, Advs. for respondent  
no.2/UPSC.

**CORAM:**

**HON'BLE MR. JUSTICE G.S.SISTANI**

**HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL**

**G.S.SISTANI, J (ORAL)**

**CM APPL. 31277/2015**

1. Exemption allowed subject to all just exceptions.
2. Application stands disposed of.

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3. This matter has been listed before this Court at 4.15 p.m. upon mentioning before DB-2.
4. Challenge in this writ petition is to the order dated 15.12.2015 passed by Central Administrative Tribunal (hereinafter referred to as the 'Tribunal') in O.A.No.4506/2015 by which the prayer made by the petitioner i.e. (i) to allow him to change his language/medium of examination from Punjabi to English for Paper 1 to Paper VII for the

Civil Services (Main) Examination, and (ii) the prayer for grant of interim relief thereby allowing him to appear in the Civil Services (Main) Examination, 2015, scheduled to be conducted w.e.f. 18.12.2015 to 23.12.2015, in English language medium, have been declined.

5. The necessary facts to be noticed are that the petitioner had cleared his Civil Services (Preliminary) Examination, 2015. Thereafter the petitioner filled the form for the Civil Services (Main) Examination, 2015, on 13.11.2015. It is the case of the petitioner that inadvertently he had mentioned Punjabi language instead of English language as the medium of examination for papers 1 to 7. It is further the case of the petitioner that this was an inadvertent error, which is evident from the fact that for the interview test the petitioner had mentioned English. It is also the case of the petitioner that as soon as he realised his mistake, on 2.12.2015 at 9.00 p.m. he sent an email to the UPSC for rectification of his mistake and also requested for change of medium of examination from Punjabi to English language. The petitioner also went to the office of the UPSC on 3.12.2015 and submitted a letter in the office, but his request for change of medium of the examination was declined, which led to the filing of the O.A. before the Tribunal, however, the prayer made by the petitioner for interim relief was rejected.
6. Learned counsel for the petitioner has strongly urged before this court that throughout his career the petitioner has studied in English medium and in case the interim relief is not granted to the petitioner and the petitioner is not permitted to appear in the English medium for the Civil Services (Main) Examination, he would not only suffer irreparable loss but it would also cause serious prejudice to him.
7. Mr.Naresh Kaushik, Advocate, enters appearance on behalf of respondent no.2/contesting respondent, on an advance copy and has drawn the

attention of the Court to the instructions to candidates of Civil Services (Main) Examination, 2015, more particularly instruction no.6 of the Instructions to Candidates of Civil Services (Main) Examination, 2015, wherein it has categorically been stated that no correspondence would be entertained by the Commission from the candidates to change any entry made in the application form. Instruction 6 reads as under:

*“Instructions to Candidates of Civil Services (Main) Examination, 2015.*

*6. Candidates are advised to read carefully the Rules of the examination which include the detailed scheme of the examination, as published in the Govt. of India Gazette (Extraordinary) dated 23.05.2015 (copy can be downloaded from the UPSC website). They should note that no correspondence will be entertained by the commission from candidates to change any of the entries made in the application form. They should, therefore, take special care to fill up the application form correctly. No column of the application should be left blank.*

*Candidates should note that under no circumstances will they be allowed to change in Centre, Optional Subject, Indian Language paper (Paper-A) and Medium of Examination they have indicated in their filled online CS(P) application form.”*

8. Mr.Kaushik further contends that in view of the express bar the UPSC has rightly rejected the representation of the petitioner and in view of the specific bar no useful purpose would be achieved in permitting the petitioner to appear in the examination when the main petition is liable to be dismissed. Counsel also contends that in the case of ***Secretary, Union Public Service Commission And Anr. v. S. Krishna Chaitanya***, reported at 2011 (14) SCC 227, the practise of the Court’s directing the authorities

concerned, through interim orders, to permit students to take examination was deprecated by the Supreme Court of India.

9. We have heard learned counsel for the parties and considered their rival submissions. We have also carefully examined the impugned order dated 15.12.2015 passed by the Tribunal. The Tribunal while passing the impugned order has rightly taken note of instructions no.6, reproduced hereinabove, and the judgment relied upon by the learned counsel for the UPSC, and correctly applied the same to the facts of the present case.
10. In the case of ***Ekta Shakti Foundation v. Govt. of NCT of Delhi***, reported at AIR 2006 SC 2609, the Supreme Court of India has made the following observations:

*“27. We may add here that this Court has observed time and again that an interim order should not be such a nature that by virtue of which a petition or an application, as the case may be, is finally allowed or granted even at an interim stage. We reiterate that normally at an interlocutory stage no such relief should be granted by which of which the final relief, which is asked for and is available at the disposal of the matter is granted. We, however, find that very often courts are becoming more sympathetic to the students and by interim orders authorities are directed to permit the students to take an examination without ascertaining whether the concerned candidate had a right to take the examination. For any special reason in an exceptional case, if such a direction is given, the court must dispose of the case finally on merits before declaration of the result. In the instant case, we have found that the respondent not only took the preliminary examination but also took the main examination and also appeared for the interview by virtue of interim orders though he had no right to take any of the examinations. In our opinion, grant of such interim orders should be avoided as they not only increases work of the institution which conducts examination but also give false hope to the candidates approaching the court.”*

11. In view of above, we find no grounds to interfere in the impugned order.  
There is no illegality or infirmity in the impugned order, which requires interference in proceeding under Article 226 of the Constitution of India.  
Writ petition is accordingly dismissed.

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12. Application stands dismissed in view of the order passed in the writ petition.
13. Let a copy of this order be given DASTI to the parties under the signature of Court Master.

**G.S.SISTANI, J**

**SANGITA DHINGRA SEHGAL, J**

**DECEMBER 16, 2015**

msr