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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 9209/2017**

SURENDER

..... Petitioner

Through Mr Biju Thankappen, Advocate
versus

THE UNION PUBLIC SERVICE COMMISSION
AND ANR.

..... Respondents

Through Mr Naresh Kaushik, Mr Devik Singh,
Advocates for R-1(UPSC)

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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25.10.2017

1. The notice in the present petition was issued on 17.10.2017 as this Court had noticed that there was a repugnancy between the Engineering Services Examination Rules 2018 (hereafter 'the Rules') which were notified on 27.09.2017 and the notification that was issued subsequently.
2. Rule 5(a) of the said Rules read as under:

"5. (a) A candidate for this examination must have attained the age of 21 years and must not have attained the age of 30 years on the 1st August, 2018 i.e., he/she must have been born not earlier than 2nd August, 1987 and not later than 1st August, 1996."
3. It is also apparent from the above that there was a repugnancy between the first part of the said Rules and the latter part. Whereas the first part of the said Rules required that an eligible candidate must have attained the age of 21 years but must not have attained the age of 30 years as on the 1st August, 2018; the latter part of the said Rules specified that the candidate must have been born not earlier than 2nd August, 1987 and not later than 1st

August, 1996.

4. The petitioner was born on 02.01.1988 and, therefore, in terms of the first part of the said Rules, he would be ineligible to appear for the examination as he would have attained the age of 30 years as on 01.08.2018. However, if the latter portion of the aforesaid rule is considered, the petitioner would be eligible to sit for the examination as he was not born earlier than 02.08.1988.

5. Mr Kaushik, learned counsel appearing for the respondents states at the outset that an error had crept in Para 5 (a) of the Rules. Accordingly, the Ministry of Railways has issued a corrigendum which was notified on 20.10.2017. By virtue of the said notification, Rule 5(a) of the Rules was substituted to read as under:-

“5(a) A candidate for this examination must have attained the age of 21 years and must not have attained the age of 30 years on the 1st August, 2018 i.e. he/she must have been born not earlier than 2nd August, 1988 and not later than 1st August, 1997.”

6. With the said corrigendum being carried out, the notification is not in variance with the Rules and, therefore, no relief can be granted to the petitioner. The petitioner was born prior to 02.08.1988 and, therefore, Rule 5(a) of the said Rules renders him ineligible to appear for the ensuing examination.

7. The petition is, therefore, dismissed.

8. Order *dasti*.

VIBHU BAKHRU, J

OCTOBER 25, 2017

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