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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 29.07.2020

**W.P.(C) 1029/2020, CM APPL.3340/2020, CM APPL.8256/2020 &
CM APPL.14045/2020**

SAJID ALI ABDUL QADIR

..... Petitioner

versus

UNION PUBLIC SERVICE COMMISSION AND ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner	: Mr. Ajay Garg, Advocate with Ms. Varnika Bajaj and Ms. Prishta Devi, Advocates.
For the Respondents	: Mr. Naresh Kaushik with Mr. Vardhman Kaushik, Advocates for R-1/UPSC. Mr. Sahaj Garg, Advocate for R-2/UOI.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE TALWANT SINGH

J U D G M E N T

SIDDHARTH MRIDUL, J. (via Video Conferencing)

1. The present writ petition under Articles 226 and 227 of the Constitution of India, instituted on behalf of the petitioner, prays as follows:-

“a. set-aside/quash the impugned order dated 16.01.2020 passed by the Ld. Principal Bench of CAT, New Delhi in O.A. No.38/2020 titled as 'Sajid Ali Abdul Qadir Vs. Union Public Services Commission';
b. set aside/quash the order dated 27.11.2019 passed by the respondent No.1 cancelling the candidature of the Petitioner for Civil Services (Main) Exam, 2019, being illegal and arbitrarily;
c. direct the respondents to declare the Petitioner's Civil Services (Main) Exam, 2019 result and restore Petitioner's candidature for Civil Services (Main) Exam, 2019 under EWS category 'as per the given facts and circumstances; and
d. pass any other appropriate writ/order(s)/direction(s) as may be deemed fit and proper in the facts and circumstances of the case and in the interest of justice. For this act of kindness, the humble Petitioner shall ever pray as in duty bound.”

2. This Bench vide order dated 23.07.2020 had observed as follows:-

“On behalf of the petitioners our attention has been invited to communications issued by the Union Public Service Commission, which reflect that candidates belonging to the economically weaker section of society for whose benefit an amendment to the Constitution of India was carried out, in order to introduce reservation qua selection and appointment, have been permitted to make up for deficiencies in the Income and Asset Certificate as required to be furnished by them, in order to establish their eligibility for reservation under the newly created quota, till the time of the interview.

In view of the forgoing, Mr. Naresh Kaushik, counsel appearing on behalf of the Union Public

Service Commission seeks an accommodation to obtain instructions as to whether benefit as aforementioned extended to some candidates belonging to the economically weaker section of society can be denied to other similarly situated candidates.

In other words, Mr. Naresh Kaushik, Advocate fairly seeks time to obtain instructions as to whether the benefit as aforementioned granted to some candidates belonging to the economically weaker section of society could also be extended to the petitioners as a one-time measure.”

3. Mr. Naresh Kaushik, learned counsel appearing on behalf of the Union Public Service Commission (for short ‘UPSC’) has placed on record a communication dated 27.07.2020 in relation to the subject proceedings and invites our attention to the same and in particular paragraphs 2 and 3 thereof, which read as under:-

- “2. So far as the two EWS certificates relied upon by the Petitioner Ms.Satabdi Mazumdar are concerned, the Commission, in deference to the views expressed by the Hon'ble Court, has given due focus to the issue and is respectfully inclined to take a fair reasonable and flexible approach in the matter. Given the views of the Hon'ble Court, following two options are available before the Commission in this case:
- (a) Either by issuing Show Cause Notice for cancellation of the candidature of the said two candidates (the candidature being provisional); or
 - (b) By extending similar benefit to similarly placed petitioners, who had submitted

faulty/incorrect certificates issued to them prior to 01st August, 2019 and uploaded the said certificates along with their respective DAFs-I by indicating "Yes" in the relevant column with regard to the availability of the certificates with them.

3. The Commission has decided to take a fair, positive, reasonable and flexible approach in the matter and, thus, it intends to implement the aforesaid option (b) in this case. However, the Commission will respect and implement the decision of the Hon'ble Court on the above available two options."

4. In view of the forgoing, as well as, the circumstance that, Mr. Sajid Ali Abdul Qadir, petitioner herein, had in fact submitted the Income and Asset Certificate dated 04.07.2019 – *qua* his entitlement to reservation under the Economically Weaker Section (for short 'EWS') category – which did not conform with the prescribed format, but was however issued before 01.08.2019, the cut-off date; and has subsequently submitted the requisite certificate on 10.12.2019 in the prescribed format, he is consequently, entitled to the benefit accorded to similarly placed individuals by the UPSC; it is directed that, the UPSC declare the result of Civil Services (Main) Examination-2019 *qua* Mr. Sajid Ali Abdul Qadir, and invite him for the interview, in the event he has qualified the said examination under the EWS category.

5. In view of the foregoing, as well as, the circumstance that, the present petition falls under Option 2(b), in terms of the above extracted communiqué dated 27.07.2020, the same is allowed.

6. No further directions are called for.

7. With the above directions, the present petition is disposed of. The pending applications also stand disposed of.

8. A copy of this order be provided to the learned counsel appearing on behalf of the parties electronically and also be uploaded on the website forthwith.

SIDDHARTH MRIDUL
(JUDGE)

TALWANT SINGH
(JUDGE)

JULY 29, 2020
dn/as