

\$~Suppl.-27

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

+ W.P. (C) 1533/2021

NITESH KANDWAL

.....Petitioner

Through: Ms. Rajeshwari H., Advocate.

Versus

UNION OF INDIA & ANR.

.....Respondents

Through: Ms. Saroj Bidawat, Advocate for
UOI.

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Date of Decision: 05th February, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE ASHA MENON

J U D G M E N T

MANMOHAN, J (Oral):

CM APPL. 4399/2021 (for exemption)

Allowed, subject to all just exceptions.

Accordingly, present application stands disposed of.

W.P. (C) 1533/2021

1. Present appeal has been filed seeking a direction to the respondents to consider the candidature of the petitioner in the EWS category and allow the Petitioner to submit his correct EWS certificates within a span of six weeks from the date of order.

2. Learned counsel for the petitioner states that candidates were required to upload their Income & Asset Certificate earlier than 1st August, 2019 in the prescribed format at the time of submission of online Detailed Application Form (DAF). She further states that the petitioner's EWS Certificate was issued on 04th November 2019, and hence the respondent No.2 treated petitioner as a General Category candidate.

3. She emphasises that the petitioner belongs to a small district in Uttarakhand where the concerned authorities were not aware about the procedure to be followed for issuing the requisite EWS certificates, it being a new concept, and there were administrative difficulties and resultantly petitioner was unable to obtain the said EWS certificates, before the prescribed date i.e. 1st August, 2019 and the same was issued on 04th November, 2019 – before the date of submission of Detailed Admission Form which was 14th November, 2019.

3. Learned counsel for petitioner relies on the order passed in **UPSC vs. Saumya Pandey & Ors., WP(C) 1158/2020** where this Court had upheld the decision of Central Administrative Tribunal (for short 'Tribunal'), wherein the Tribunal had directed the UPSC to consider the EWS certificates till the last date of submitting Detailed Application Form which is 14th November 2019, in the present matter.

4. However, a perusal of the writ petition reveals that the Authorization officer/Tehsildar has committed a mistake even in the Certificate dated 04th November, 2019 and therefore, the petitioner is seeking six weeks time from the date of order to furnish the correct EWS Certificate.

5. From the aforesaid, it is apparent that the petitioner is admittedly not in possession of the correct EWS Certificate even today. Consequently, even if the benefit of the extended time till 14th November, 2019 is given to the petitioner to furnish the requisite EWS Certificate in accordance with the order passed in ***UPSC vs. Saumya Pandey & Ors., WP(C) 1158/2020***, the petitioner would still not be entitled to any relief.

6. Accordingly, the present writ petition is dismissed.

MANMOHAN, J

ASHA MENON, J

FEBRUARY 05, 2021

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