

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

% **Date of decision: 12th April, 2021.**

+ **W.P.(C) 4541/2021**

SURAJ KUMAR & ORS. Petitioners

Through: Mr. Yatharth Sharma, Advocate.

versus

STAFF SELECTION COMMISSION AND ANR.... Respondents

Through: Mr. Ruchir Mishra, Advocate.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MR. JUSTICE AMIT BANSAL

[VIA VIDEO CONFERENCING]

RAJIV SAHAI ENDLAW, J.

CM APPL. 13935/2021 (for exemption)

1. Allowed, subject to just exceptions and as per extant rules.
2. The application is disposed of.

W.P.(C) 4541/2021

3. This petition impugns the order dated 16th March, 2021 of Central Administrative Tribunal (CAT), Principal Bench, New Delhi, of dismissal of OA No. 534/2021 preferred by the 76 of the 113 petitioners herein.
4. It was the claim of the petitioners, that (i) in pursuance to the advertisement issued by the respondent no. 1 for Combined Graduate Level Examination (CGLE), 2020, time granted for uploading of the applications online, was between 29th December, 2020 and 31st January, 2021; (ii) the petitioners attempted to upload their applications, but since the server of the respondents no.1 was down from 23rd January, 2021 to 31st January, 2021, their applications could not be uploaded; and, (iii) the petitioners thus were

entitled to extension of time for uploading of the applications.

5. CAT, on the aforesaid pleas of the petitioners in the OA, called for the reply from the respondents, specifically on the point whether, during the time when according to the petitioners, the server was down, any other applications were uploaded.

6. Respondents, in their reply filed before CAT pleaded that on the days when according to the petitioners, servers were down, 7,39,424 applications were uploaded, thereby falsifying the claim of the petitioners on the basis whereof extension of time for applying was sought in the OA.

7. The counsel for the petitioners has today drawn our attention to pages 86 to 138 of the file, being screenshots of glitches on the website of the respondent no.1 and emails/correspondence of the petitioners to the respondent no.1 alleging the same, to show that the petitioners made an attempt to upload their applications. However on a perusal of the said pages all that can be deciphered is that attempts by some of the petitioners were made on or after 31st January 2021 that is, on the very last date for uploading the applications and when the page could not be reached or the server was too busy. The said petitioners, on the same day also sent emails seeking extension of the last date for uploading of the applications, reasoning that the site was not working properly since many days, but the said emails also could not be delivered owing to the inbox of the respondent no.1 being full.

8. The aforesaid documents do not show that the petitioners made any attempts, as is claimed or were diligent in their attempts to upload their applications. If the petitioners waited till the last moment for uploading their applications and were unable to, they have themselves to blame and

the entire examination process cannot be set at naught for the said reason.

9. We may also add that a large number of documents filed before this Court pertain to the petitioners who were not even applicants in the OA before CAT from order of dismissal whereof this petition arises. The said petitioners cannot agitate their grievance, which admittedly is in the exclusive domain of CAT, for the first time before this Court and their claim in this petition, for extension of the date for uploading the applications, is liable to be dismissed on this ground itself.

10. The counsel for the petitioners, without placing the entire judgment before us, relies on *Neelam Devi Vs. Kendriya Vidyalaya Sangathan* MANU/DE/4307/2018. Before correcting and releasing this judgment, we have perused the said judgment and find that in the facts therein, the sole petitioner was able to demonstrate through videos and photos that the webpage of the concerned respondent crashed multiple times when she attempted to submit her form, before the cut-off date and time and hence was able to substantiate her claim. This Court further clarified that those who did not upload their form, and register online before the cut-off date and time, and are not able to substantiate such claims made by them, would obviously not fall in the same class as the sole petitioner in *Neelam Devi* supra. The documents filed before this Court and pertaining to the petitioners who were applicants before CAT, do not satisfactorily show that the said petitioners made attempts to upload applications on or before 31st January, 2021 as is claimed. This Court, while granting relief in *Neelam Devi* supra, also took into consideration the fact that no prejudice would be caused to the concerned respondent or to any other candidate, if the candidature of the sole petitioner were to be considered. The same also does

not apply to the facts of the present case, as grant of such relief as is prayed for, would open floodgates, even for persons who till now have not urged any such grievance or who now decide/choose to apply and the same if allowed, would jeopardise the entire examination schedule.

11. Moreover, it is not disputed by the petitioners that during the time when the petitioners claim that they were prevented from uploading their applications, as many as 7,39,424 out of the total 22,09,867 applications received, were uploaded. The same demonstrates that whosoever diligently attempted to upload the applications, was able to and the petitioners/applicants before CAT have themselves to blame for being not able to upload their applications, even if had made any attempt therefor.

12. There is no merit in the petition.

Dismissed.

RAJIV SAHAI ENDLAW, J

AMIT BANSAL, J

APRIL 12, 2021

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