



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.11447 OF 2022

Jasmine Jebaselvi

... Petitioner

.Vs.

1. The Secretary to Government,
Ministry of Personnel,
Public Grievances and Pensions,
Government of India,
New Delhi.
2. The Chairman,
Union Public Service Commission,
Dolhpur House,
Shajahan Road,
New Delhi - 110 069.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 2nd respondent to include the petitioner's application bearing Registration No.12226629050 in the list of persons permitted to appear in Civil Services (preliminary Examination 2022) and consequently issue Hall ticket to the petitioner for Civil services (preliminary Examination 2022) to be held on 05.06.2022 under the facts and circumstances.

For Petitioner : Mr.V.Nithyanandam

For R1 : Not ready in notice

For R2 : Mr.R.Priyakumar
For UPSC



O R D E R

The relief sought for in the present writ petition is to direct the 2nd respondent/Union Public Service Commission to include the petitioner's application bearing Registration No.12226629050 in the list of persons permitted to appear in Civil Services (Preliminary Examination), 2022, and consequently, issue Hall ticket to the petitioner for Civil services (Preliminary Examination), 2022, to be held on 05.06.2022.

2. A preliminary objection was raised with reference to the maintainability of the writ petition, as the relief sought for is against the Union Public Service Commission, more specifically, to appear in the Civil Services (Preliminary Examination), 2022.

3. The learned counsel for the petitioner made a submission that the Delhi High Court entertained a writ petition against the Union Public Service Commission pursuant to the directions issued by the Hon'ble Supreme Court. A perusal of the order would reveal that, based on certain facts and circumstances of the case, the Delhi High Court has entertained.

4. The learned counsel appearing on behalf of the 2nd respondent/Union Public Service Commission made a submission that, with reference to the judgment of the Delhi High Court in the case of Praveen Sharma v. UPSC [W.P.(C) No.498 of 2006], a co-ordinate Bench of High Court of Delhi, vide order dated 12.09.2019, in Saumya Pandey and others v. Union of India [W.P.(C) No.9751 of 2019], wherein, the petitioner had challenged the cancellation of her candidature for the same examination, namely, Civil Services Examination-2019, dismissed the writ petition with liberty to the petitioner to approach the Central Administrative Tribunal.

5. That apart, Chapter-III of the Administrative Tribunals Act, 1985, deals with the jurisdiction, powers and authority of Tribunals. Section 14 stipulates the jurisdiction, powers and authority of the Central Administrative Tribunal. Sub-Clause (1) contemplates that the Central Administrative Tribunal shall exercise, on and from the appointed day, all the jurisdiction, powers and authority exercisable immediately before that day by all Court except the Supreme Court in relation to the recruitment, and matters concerning recruitment, to any All India Service or to any civil service of the Union or a civil post under the Union.

6. When the Administrative Tribunals Act confers jurisdiction and powers to the Central Administrative Tribunal with reference to the recruitment to All India Services and Civil



Services of the Union, the High Court cannot entertain a writ petition and therefore, the writ petitioner has to approach the Central Administrative Tribunal for the purpose of redressal of her grievances. In view of the provisions of the Administrative Tribunals Act stated supra, the petitioner is at liberty to approach the Central Administrative Tribunal to redress her grievances. Accordingly, the writ petition stands dismissed. No costs.

Sd/-
Vacation Officer

//True Copy//

Sub Assistant Registrar

mkn/ab

To

1. The Secretary to Government,
Ministry of Personnel,
Public Grievances and Pensions,
Government of India,
New Delhi.
2. The Chairman,
Union Public Service Commission,
Dolhpur House,
Shajahan Road,
New Delhi - 110 069.

+1cc to Mr.R.Priyakumar, Advocate, S.R.No.31872
+1cc to Mr.V.Nithyanandam, Advocate, S.R.No.31842

W.P.NO.11447 OF 2022

BP(CO)
PBS/01/06/2022