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

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Judgment delivered on: 22.09.2022

+ W.P.(C) 13747/2022, CM APPL. 41960/2022 & CM APPL. 41961/2022

PANKAJ CHOUDHARY

..... Petitioner

versus

UNION PUBLIC SERVICE COMMISSION Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Ashim Shridhar, Ms. Niyati Patwardhan and Mr. Vijay Singh, Advocates.

For the Respondent: Mr. Naresh Kaushik, Mr. Manoj Joshi and Mr. Shubham Dwivedi, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 08.09.2022, whereby, the Original Application (hereinafter referred to as 'O.A.') filed by the petitioner has been dismissed.

2. Petitioner had sought a direction from the Tribunal to permit him to submit his Detailed Application Form, to enable him to appear



in the Indian Forest Services ('IFS') (Mains) Examination to be held on 20.11.2022.

3. On 02.02.2022, notification was issued by the respondent – Union Public Services Commission for the Civil Services Examination ('CSE') (Prelims) and the Indian Forest Services (Prelims) Examination.

4. The prelim examination was held on 05.06.2022. Petitioner qualified the examination and was declared successful to participate in the CSE (Mains) and IFS (Mains). This participation was contingent upon petitioner filling up the requisite Detailed Application Form for the mains examination. Petitioner was required to fill up the Detailed Application Form separately for the CSE (Mains) and the IFS (Mains).

5. Petitioner submits that he has filled up the CSE (Mains) Detailed Application Form on time. Insofar as the Detailed Application Form for IFS (Mains) is concerned, the last date for filling up the same was 18.08.2022 at 18:00 hours. The form was to be filled up online.

6. It is an admitted position that petitioner did not upload the filled up form by 18:00 hours on 18.08.2022.

7. In the list of dates, the contention of the petitioner is that petitioner was not aware of the date and time by which the form had to be filled and was made aware of the DAF notification and immediately attempted to fill up the DAF Form for Indian Forest



Services (Mains) Examination, 2022. But by the time he could fill up the form and upload it, the portal had closed.

8. In the petition, it is contended that petitioner is a resident of Chakradharpur, which is in Jharkhand and had travelled to Jaipur, his hometown, where he suffered a medical issue of Vertigo and he was undergoing treatment. It is contended that he returned from Jaipur on 15.08.2022 and due to heavy rains, hilly terrain and high naxal presence, network connectivity being poor, he could not get the notification timely due to poor network connectivity.

9. It is further contended that respondent did not furnish a fixed timeline for its notification and the candidate had to check the respondent's website regularly and publication of notification are informed on mobile and major newspapers only.

10. It is contended that petitioner was not in a condition to check on his mobile due to his medical diagnosis, bad network connectivity and also the fact that the major newspapers are not available in Chakradharpur, where he was residing.

11. It is further contended that due to his strong medication, he was sleeping most of the time and was unable to check his mobile for daily mails or messages. On 18.08.2022, from one of his acquaintances, he was made aware of the DAF notification and immediately attempted to file the DAF for Indian Forest Services (Mains) Examination, 2022, but unfortunately, the portal was closed, by the time he could fill up



the DAF. He is, thereafter, stated to have sent an e-mail at 18:28 on 18.08.2022 to the respondent.

12. It is contended by learned counsel for the petitioner that petitioner could not fill up the Detailed Application Form on account of circumstances beyond his control i.e., he was not aware of the notification for filling up of the form and further on account of his medical condition.

13. We are unable to accept the contention of learned counsel for petitioner for the reason that the respondent had notified that the form is to be filled up from 08.08.2022 till 18.08.2022. As per the petitioner, petitioner had travelled to Jaipur on 08.08.2022 and was in Jaipur till 14.08.2022. Since petitioner was in Jaipur from 08.08.2022 to 14.08.2022, the contention of the petitioner that on account of bad connectivity, he could not check his phone or become aware of the notification, cannot be accepted because admittedly, there is no contention that there was bad connectivity in Jaipur.

14. Furthermore, the case of the petitioner is that on 18.08.2022 he was sleeping most of the time and was made aware by one of his acquaintances that he had to fill up the form, however, by the time he attempted to fill up the form, the time was over.

15. Petitioner had eleven days to fill up the form. The contention of the petitioner that he was not aware of the notification cannot be accepted. Further, for the reason, that in the petition itself, petitioner



has categorically stated that the candidates have to keep checking the website from time to time for the notification for filling up the form.

16. Petitioner had in July, filled up the form for CSE (Mains) and as such would have been aware that he had to fill up the IFS (Mains) examination Detailed Application Form also.

17. Furthermore, the medical document produced by the petitioner is merely a prescription issued by one Consultant, Neurosurgeon in Jaipur, dated 10.08.2022, which simply says “Vertigo, recurring episode, no vomiting and lack of sleep”. There is no other medical document filed by the petitioner to show that petitioner was under any disability or was suffering from such circumstances beyond his control, that he would not upload the application form within time.

18. Be that as it may, admittedly there were eleven days available to the petitioner to fill up the form and the fact that petitioner failed to fill up the form on time and the contention of the petitioner that he could not upload the Detailed Application Form, on account of circumstances beyond his control, are not borne out from the record and as such, we are unable to accept the contentions of the Petitioner.

19. The timelines prescribed by UPSC for candidates to upload the form are sacrosanct and cannot be tinkered with.

20. Accordingly, we find no infirmity in the order of the Tribunal dismissing the O.A. filed by the petitioner.



21. We further find no merit in the petition. The petition along with pending applications, is accordingly dismissed.

SANJEEV SACHDEVA, J

TUSHAR RAO GEDELA, J

SEPTEMBER 22, 2022

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