



2024:DHC:2418



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

% Judgment delivered on: 18.03.2024

+ **W.P.(C) 3464/2024****DHIRAJ VERMA**

..... Petitioner

versus

UNION OF INDIA & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Counsel (Appearance not given).

For the Respondents : Mr. Ravinder Agarwal and Mr. Lekh
Raj Singh, Advocates for R-2/UPSC.**CORAM:****HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****J U D G M E N T****TUSHAR RAO GEDELA, J. (ORAL)****[The proceeding has been conducted through Hybrid mode]****CM APPL. 16494/2024**

1. This is an application seeking early hearing of the present petition.
2. The present petition is taken up for hearing today.
3. Accordingly, the application stands disposed of.

W.P.(C) 3464/2024

4. With the consent of the parties, the petition is taken up for disposal.
5. This is a writ petition filed under Article 226 of the Constitution



of India, 1950, *inter alia*, seeking the following reliefs :-

“(a) Issue a Writ of Mandamus directing the respondent no.2 to calculate the age of the candidate from 01.01.2024 or from the date of Notification i.e. 14.02.2024.

(b) Issue a writ of mandamus or any other appropriate writ, order, or direction, quashing the arbitrary age calculation by the UPSC for the Civil Services Examination 2024.

(c) That the petitioner was born on 15/7/1987 and fall within the eligible range being a candidate from Reserved category but due to UPSC arbitrary choice of calculating the age limit barred the petitioner in current's year recruitment process while Petitioner has not filed other similar Petition in any Hon'ble Court.

(e) That pass any other or further orders as this Hon'ble Court may deem fit in the case”

6. It is the case of the petitioner that the petitioner is a candidate belonging to the reserved category (SC) and according to the notification of the Civil Services Examination ('CS Examination'), the petitioner has a permissible age relaxation upto 05 years.

7. The petitioner is aggrieved by the notification issued by the respondent – Union Public Service Commission (UPSC) bearing Examination Notice No. 05/2024 on 14.02.2024 for the Civil Services Examination, 2024.

8. It is stated that the last date for submission of the online application for the said examination is 05.03.2024. It is also stated that the last date for online modification or any changes has been fixed for 12.03.2024.

9. Learned counsel appearing for the petitioner submits that the petitioner was born on 15.07.1987 and on the basis of the age relaxation conferred upon the reserved category, he is eligible to an additional five



years and he would be eligible for giving examinations upto the age of 37 years.

10. Learned counsel submits that though according to the exam notification No. 5/2024, the cut-off date of the age has been fixed as 01.08.2024, in case the cut-off date is fixed as on 01.01.2024 or on 14.02.2024, when the notification was issued, the petitioner would be eligible to participate in the said examination.

11. According to the learned counsel, the cut-off date so far as the age is concerned, which has been fixed as 01.08.2024 for the CS Examination, 2024, would dis-entitle the petitioner from getting the last and final opportunity to sit for the examination. As such, he submits that the said fixation is arbitrary, whimsical and contrary to the Constitutional norms.

12. He also submits that there is no rationale or nexus as to why the date of 01.08.2024 has been fixed as a cut-off date for the purpose of age calculation.

13. *Per contra*, learned counsel appearing for the respondent – UPSC submits that the fixation of the cut-off date is neither arbitrary nor whimsical and has a rationale behind it.

14. According to learned counsel for the respondent, it is according to the CS Examination Rules, 2024 notified on 14.02.2024 issued by the Department of Personnel and Training ('DoPT'), particularly Rule 5 has fixed the date as on 01.08.2024. In that, the candidate must have not been born earlier than 02.08.1992 and not later than 01.08.2003.

15. However, so far as the reserved category candidates are concerned, learned counsel invites attention of this Court to Rule 5 sub-



Rule ii (a), where the upper age limit prescribed is relaxable upto a maximum of 05 years, if the candidates belong to such category. That being the case, according to the learned counsel, the rules having been issued by the DoPT and are binding on the UPSC. That apart, learned counsel submits that the petitioner has not challenged the *vires* or otherwise of the said rule comprised in Rule 5 (i) nor Rule 5 (ii) (a) of the CSE Rules.

16. In the absence thereof, according to learned counsel for the respondent, the petition itself is not maintainable in the present form.

17. This Court has heard the arguments of the learned counsel appearing for both the parties.

18. At the outset, it is noticed that the petitioner has approached this Court today i.e., 18.03.2024, whereas according to the petitioner itself, the last date for the online application for submitting the application for CS Examination, 2024 was 05.03.2024 and any subsequent modification therein, was to be done latest by 12.03.2024.

19. The writ petition itself has been filed after the last date fixed for filing submission of application, and as such, the issue raised, appears to be not maintainable as of today.

20. That apart, the petitioner is unable to indicate or demonstrate on what basis the fixation of the said date of 01.08.2024 is arbitrary or whimsical or unconstitutional. Merely urging that they are unconstitutional or arbitrary without anything more would not suffice.

21. That apart, the cut-off date for the age of eligibility as also for the age relaxation in respect of certain category of citizens, has been notified in the DoPT notification dated 14.02.2024, the *vires* whereof,



2024:DHC:2418



have not been challenged by the petitioner.

22. Even otherwise, the fixation of a particular date is the prerogative of the examinee department and unless shown to be arbitrary, the Courts particularly under Article 226 of the Constitution of India, 1950, are not to entertain any such issues

23. Accordingly, the petitioner having miserably failed in demonstrating before this Court that the fixation of 01.08.2024 as a cut-off date for the purposes of age or even age relaxation is arbitrary or unconstitutional. Consequently, the petition along with pending application is dismissed with no order as to costs.

24. The next date already fixed as 30.04.2024 stands cancelled.

TUSHAR RAO GEDELA, J.

MARCH 18, 2024/nd