

(2021) 06 CAT CK 0031

In the Central Administrative Tribunal

Case No : Original Application No. 53 Of 2021, Miscellaneous Application No. 320 Of 2021

Aashima Goyal

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 14-06-2021

Acts Referred:

Constitution Of India, 1949 — Article 14, 16

Citation : (2021) 06 CAT CK 0031

Hon'ble Judges : L. Narasimha Reddy, J; Tarun Shridhar, Member (A)

Bench : Division Bench

Advocate : Avinash K. Sharma, R.S. Rana

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J

1. The applicant took part in the Civil Services Examination, 2019 (CSE-2019). She claimed the status of Economically Weaker Section (EWS). The

results of the preliminary examination were declared on 12.07.2019 and she was declared as qualified for admission into the mains examination. She

participated therein and the results of the mains examination were declared on 14.01.2020. The applicant received an e-mail dated 25.02.2020 from

the UPSC stating that the Income and Assets Certificate (IAC for short), relevant for determination of the status of EWS for that examination is of

the financial year 2017-18, and she was required to submit the same before the commencement of Personality Test, scheduled to be held from

02.03.2020.

2. The applicant states that she appeared for interview on 02.03.2020, by filing an undertaking to the effect that she would submit fresh certificates,

referable to the financial year 2017-18 within one week.

3. The applicant contends that on account of non-cooperation of the local officers, she was not able to submit the relevant certificates for the financial year 2017-18 within the stipulated time and requested the DOP&T, vide her e-mail dated 17.03.2020 to treat the IAC for financial year 2018-19, as a valid and relevant one for the CSE-2019. She forwarded another e-mail dated 02.08.2020, on the same lines. The final results of the CSE-2019, were declared on 04.08.2020, and her name was included in the list of successful candidates, but whose candidature is deemed provisional.

4. The DOPT addressed a letter dated 13.08.2020, to the applicant requiring her to furnish the IAC of the financial year 2017-18, by 20.08.2020. The applicant expressed her inability to comply with the same by stating various reasons. The request of the applicant was turned down by the DOPT, vide letter dated 27.08.2020, and she was finally given time upto 31.08.2020. The applicant reiterated her earlier request to treat the IAC for the financial year 2018-19 as valid, for the present selection. The DOPT released the first iteration of the service allocation list on 25.08.2020, and the name of the applicant did not figure therein. The second allocation was released on 06.10.2020, and there again the name of the applicant did not figure. Therefore, she went on inquiring with the DoPT. In answer to the application filed by her under RTI, she was given a response on 11.12.2020 stating that her candidature was rejected on 09.09.2020. The third allocation list was released on 18.12.2020.

5. The applicant contends that the reservation in favour of EWS was provided in the recent past and on account of the uncertainty prevailing in the matter, she could not get and file the IAC for the financial year 2017-18, and she was of the view that the relevant IAC, would be of the financial year 2018-19, and when she was informed to produce one of the year 2017-18, she could not get it within the stipulated time. It is stated that the respondents have defeated the very benefit conferred upon her, on account of reservation.

6. The applicant filed this OA with a prayer to set aside the cancellation of her candidature in the EWS category as arbitrary, illegal and violative of fundamental rights, and to direct the respondents to include her name in the Service Allocation List, and to declare the decision of the DOPT dated

9.09.2020, as violative of Articles 14 and 16 of the Constitution of India.

7. The respondents filed a detailed reply. It is stated that the IAC relevant for CSE-2019, is of the year 2017-18 and the applicant has deliberately filed

the one, for the financial year 2018-19. They contended that repeated reminders issued to the applicant to file the relevant IAC did not evoke any

tangible response. It is also stated that the verification from the Income Tax Department revealed that the family of the applicant was in the income

slot for the year 2017-18 beyond the stipulated limit for the purpose of reservation, and accordingly the applicant was not extended the benefit of

reservation of EWS.

8. We heard Mr.Avinash K. Sharma, learned counsel for the Applicant, and Mr.R.S.Rana, learned counsel for the Respondents.

9. The applicant took part in the CSE-2019 by claiming the benefit of reservation under EWS. The respondents clearly stated that the IAV, relevant

for the purpose of CSE-2019, shall be, of the financial year 2017-18. For one reason or the other, the applicant submitted IAC of the financial year

2018-19. In the scheme of civil services examination, the strict verification of certificates is delegated to at later stages. For all practical purposes, the

statements made by the candidates in their applications are taken as true at the initial stage and they are permitted to take part in the examination at

various levels. It is only when the candidates reach the final stage of selection, that the meticulous verification of certificates is undertaken.

10. Once the applicant cleared through preliminary and main examinations, she was required to submit the IAC of the year 2017-18. More than once,

the applicant expressed her inability to produce the said certificate.

11. If one refers to the synopsis furnished in the OA, it becomes clear that the respondents gave more opportunities to the applicant than what are

generally given. If the applicant was not able to furnish the relevant IAC. The inevitable consequence is that the benefit of reservation is denied to

her. It is stated by the respondents that when the applicant was not coming forward with the IAC of the financial year 2017-18, verification was made

from the Income Tax Department and it emerged that the Income and Assets for that particular period exceeded Rs.10 lakhs, as against the stipulated

amount of Rs.8 lakhs.

12. Whatever be the reason on account of which the applicant is not able to

furnish the relevant certificates, she cannot expect the benefit of reservation unless the conditions stipulated therefor is complied with.

13. We do not find any merit in the OA and it is accordingly dismissed. Pending MA stands disposed of.

There shall be no order as to costs.