

(2020) 10 DEL CK 0003

In the Delhi High Court

Case No : Civil Writ Petition No. 7415 Of 2020, Civil Miscellaneous Application
No. 24805, 24806 Of 2020

Ritesh Ranjan & Ors

APPELLANT

Vs

Union Public Service Commission & Anr

RESPONDENT

Date of Decision : 01-10-2020

Acts Referred:

Constitution Of India, 1950 — Article 21

Citation : (2020) 10 DEL CK 0003

Hon'ble Judges : Prathiba M. Singh, J

Bench : Single Bench

Advocate : Ashutosh Ghade, Naresh Kaushik

Final Decision : Disposed Of

Judgement

Prathiba M. Singh, J

1. The present petition has been listed on urgent mentioning. The hearing has been done by video conferencing.
2. It relates to the Civil Services (Preliminary) Examination scheduled to be held on 4th October, 2020. The grievances of the Petitioners, from a quick reading of the petition, are two-fold. Firstly, that in Delhi more than 100 candidates are being permitted to take the examination from a single centre and secondly, that some of the centres are located in containment zones.
3. Mr. Ashutosh Ghade, Id. counsel appearing for the Petitioners submits that for a total of 71,378 students, there are only 150 sub centres in Delhi, which would mean at least 475 candidates would be taking the examination in each centre. This, according to him, would be violative of the Ministry of Home Affairs' (hereinafter, "MHA") orders dated 29th August, 2020 and 30th September, 2020 and the social distancing norms. He, further submits that there is difficulty for the candidates in accessing the centres in the containment zones.

4. Mr. Naresh Kaushik, Id. counsel for the Union Public Service Commission (hereinafter, "UPSC") has appeared on advance notice and has been transmitted a copy of the writ petition by the Court Master. He submits that a detailed order has been passed by the Supreme Court yesterday itself i.e. on 30th September, 2020 in Vasireddy Govardhana Sai Prakash & Ors. v. UPSC & Ors. [W.P.(C) 1012/2020], in which all the issues raised in the present petition have been taken care of. He, however, submits that since this is a petition concerning Article 21 of the Constitution of India, the maintainability of the writ petition is not being challenged by him.

5. After hearing Id. counsel for the parties and perusing the writ petition as well as the Supreme Court's order dated 30th September, 2020, it is clear that the order passed by the Supreme Court in Vasireddy (supra) deals in detail with all the arrangements to be made and conditions that are to be satisfied in respect of the examination scheduled to be held on 4th October, 2020. Insofar as the number of candidates in each centre are concerned, the conduct of an examination may not strictly constitute a social or religious congregation. Insofar as academic congregations are concerned, the Supreme Court has already held that it is for the MHA to issue any guidelines in this regard. It is relevant to note that examinations are already being held across the country by various universities, State Boards and the Central Board/s. While holding examinations, social distancing has to be maintained in the seating arrangement for the candidates, masks must be worn and provision of sanitizers etc. must be made. So long as these precautions are being taken and the SOP is followed, examinations have been permitted to be held.

6. Insofar as the examination centres located in containment zones are concerned, as per the order dated 30th September, 2020 of the MHA, in containment zones, the lockdown would remain in force. The MHA order relating to containment zones reads as under:

"3. Lockdown limited to Containment Zones

(i) Lockdown shall remain in force in the Containment Zones till 31st October, 2020.

(ii) Containment Zones shall be demarcated by the District authorities at micro level after taking into consideration the guidelines of MoHFW with the objective of effectively breaking the chain of transmission. Strict containment measures will be enforced in these containment zones and only essential activities will be allowed. There shall be strict perimeter control to ensure that there is no movement of people in or out of these zones, except for medical emergencies and for maintaining supply of essential goods and services. In the Containment Zones, there shall be intensive contact tracing, house-to-house surveillance, and other clinical interventions, as required. Guidelines of MoHFW shall be effectively implemented for the above purpose.

(iii) These Containment Zones will be notified on the websites by the respective

District Collectors and by the States/UTs and information will be shared with MOHFW. "

7. The Id. Counsel for UPSC is unable to confirm to the Court, at present, if any centre is located in a containment zone. Considering the same, Mr. Kaushik, Id. counsel was requested to seek instructions, so that UPSC can issue a fresh letter and communicate with the Chief Secretary of GNCTD and the Commissioner of Police, Delhi to ensure that none of the candidates appearing in the examination are, in any manner, stopped from reaching the centres located in containment zones. Mr. Kaushik has obtained instructions from Mr. R. K. Sinha, Additional Secretary cum Controller of Examinations, and submits that the UPSC can issue a specific communication and follow up on the same with the Chief Secretary of GNCTD and the Commissioner of Police, Delhi to ensure that instructions are given across the city.

8. It is accordingly directed that the UPSC shall immediately issue a communication to the Chief Secretary, GNCTD and the Commissioner of Police notifying them of the examinations being conducted on 4th October 2020. The said communication shall also request that proper directions are issued to the authorities concerned including the police officials to ensure that candidates who possess admit cards for appearing in the examination are not stopped or obstructed in any manner from reaching their centres, even if the same are located in containment zones.

9. The writ petition is disposed of with the above observations. All pending applications are also disposed of. UPSC shall be bound by the statement made on its behalf today in Court.

10. Copy of this order be also communicated by the worthy Registrar General of this Court to the Chief Secretary, GNCTD and the Commissioner of Police, Delhi to ensure compliance thereof.