

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSWRIT PETITION(S)(CIVIL) NO(S). 1123/2023

SURENDRA KUMAR CHOUBEY

Petitioner(s)

VERSUS

UPSC & ORS.

Respondent(s)

(FOR ADMISSION and IA No.206282/2023-EX-PARTE STAY and IA
No.206290/2023-EXEMPTION FROM FILING O.T.)

Date : 17-10-2023 This petition was called on for hearing today.

CORAM : HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAHFor Petitioner(s) Ms. Shahrukh Alam, Adv.
Ms. Tanya Shree, AOR
Mr. Ritu Raj, Adv.
Mr. Shantanu Singh, Adv.
Mr. Anupam Kirti, Adv.
Mr. Akshat Chaitanya, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

1. The petitioner filed the present Writ Petition under Article 32 of the Constitution of India by invoking the extraordinary powers of this Court while explaining the urgency in this matter.
2. Learned counsel for the petitioner states that the petitioner has applied for recruitment to the Engineering Services Examination conducted by the Respondent No.1 - UPSC in terms of an Examination Notice dated 14th September, 2022. As per the said publication, a candidate desirous of availing reservation under the EWS Category must be

in possession of Income and Asset Certificate which ought to have been issued by the due date of the application i.e. 4th October, 2022. The petitioner hailing from the EWS section of the society, applied for the examination well before the cut off date and also submitted an online Income and Asset Certificate dated 4th February, 2022 issued by the competent authority in the prescribed format for the Financial year 2020-2021 which was duly uploaded with the Detailed Application Form. After the petitioner qualified in the preliminary examination, he duly appeared for the main examination conducted on 25th June, 2023. On the results being declared, the petitioner was found to be successful. Thereafter, the petitioner was issued an Income and Asset Certificate dated 16th August, 2023 by the competent authority for the Financial Year 2021-2022. The said certificate was submitted by the petitioner along with his Detailed Application Form which was uploaded on 18th August, 2023.

3. The grievance of the petitioner is that the respondent No. 1 - UPSC has declined to include his name for the personality test in terms of a letter dated 18th September, 2023, stating *inter alia* that the petitioner had submitted the Income and Asset Certificate dated 7th February, 2023 and 16th August, 2023: "*after the closing date of online application for ESE-2023 (i.e. 04.10.2022)*"

4. On enquiring, learned counsel for the petitioner informs us that the personality test has already commenced and shall continue upto 4th November, 2023.

5. Issue notice returnable in four weeks. Dasti service, in addition is permitted. Notice be also served upon the Standing Counsel separately.

6. In the meantime, the respondent No.1 - UPSC is directed to convey a date for the

petitioner to appear for the personality test. However, the results of the petitioner shall be kept in a sealed cover till the next date of hearing.

7. Respondent No.1 - UPSC shall take all necessary steps to ensure necessary compliance of this order.

8. List on 20th November, 2023.

(KAVITA PAHUJA)
COURT MASTER (SH)

(NAND KISHOR)
COURT MASTER (NSH)