



persuade us to issue direction to Union Public Service Commission (UPSC) to defer the ensuing examination scheduled on 04.10.2020.

(i) The first point is that the candidates who are front-line covid-19 workers are handicapped and will not be able to appear in the examination. The UPSC has not considered their problems at all.

In this regard, we agree with the learned counsel for the UPSC that no specific case has been brought to the notice of the court where the front-line covid-19 worker(s) intending to proceed on preparatory leave for the ensuing examination had been denied such leave by his/her employer as such.

Indeed, one of the petitioners represented by Ms. Anushree Kapadia, learned counsel, appears to be a front-line covid-19 worker, but has failed to produce any application or material indicating that he had requested his employer to allow him to proceed on leave to prepare for the ensuing examination, much less to appear on 04.10.2020.

The fact that the concerned petitioner had to work during the covid-19 period, by itself cannot be the basis to disturb the arrangements already made by

the UPSC. He can exercise his option to appear in the ensuing or next examination, if he so desires.

(ii) The second point urged before us is regarding lack of transport facilities. However, once again this is a general statement without any specific details. On the other hand, UPSC on affidavit has produced communication issued by the concerned authorities, to ensure proper transport arrangements for the candidates, who intend to appear in the examination.

Besides, in the recent past, various public examinations have been successfully conducted by different authorities. That is a testimony of the fact that if proper Standard Operating Procedures (for short 'SOPs') are observed by all concerned, as defined by the Ministry of Home Affairs (MHA), it is possible to conduct such examinations.

Suffice it to observe that the lack of transport facilities across all the 72 centres, including 2569 sub-centres, has not been substantiated before us. On the other hand, we find that till recently, UPSC permitted the candidates to change their centres and almost more than 60,000 candidates availed of that

option.

(iii) The third grievance is that, during the Covid-19 period most of the institutions and libraries had remained closed. That created impediment for the candidates to prepare for the examination. We are not impressed by this submission, as it is common knowledge that on-line study materials are available to the candidates interested to appear in the ensuing examination.

In any case, non-functioning of libraries, physically, cannot be the basis to direct the UPSC to postpone the scheduled examination which initially was planned to be held in May, 2020.

(iv) The fourth point raised before us is that some of the candidates may be giving last attempt and also likely to become age-barred for the next examination, and if such candidates are unable to appear in the examination due to Covid-19 pandemic situation, it would cause great prejudice to them.

In this regard, we have impressed upon Mr. S.V. Raju, learned Additional Solicitor General appearing for the Ministry of Home Affairs (MHA), Ministry of Health and Family Welfare (MoHFW) and Department of

Personnel and Training (DoPT) to explore the possibility of providing one more attempt to such candidates with corresponding extension of age limit. He has agreed to convey the sentiments of the Court to all concerned and to take a formal decision thereon expeditiously.

(v) It is next pointed out that different states have different SOPs, including not allowing persons coming from other States in the hotels.

In this regard, UPSC/MHA may issue appropriate instructions to all the States/Union Territories to ensure, that a candidate possessing valid admit/entry card in respect of examination centre/sub-centre in the neighborhood, may be allowed in hotel to facilitate him to appear in the examination scheduled on 04.10.2020, upon production of such card.

(vi) The next grievance made before us is that the candidates who are Covid-19 patients must be allowed to appear in the examination with separate arrangement, in the concerned sub-centre/centre.

It is not possible to accede to such a general request. As a matter of fact, the medical SOPs require, that any person who has contracted Covid-19

shall remain in isolation and quarantined for the relevant period. He is not expected to move out in public. For, such candidate may expose other candidates in the concerned examination centre/sub-centre to the risk of being infected, which is certainly avoidable.

We need not dilate on this aspect any further, except to note the arrangements are directed to be made by the UPSC to ensure separate sitting arrangement for candidates having symptoms of ailment like cough and cold.

(vii) The next grievance made before us is that SOPs delineated by the UPSC are in conflict with the arrangement specified by MHA, which mandates that there shall not be more than 100 persons gathering at one place.

We leave it to the MHA to examine this aspect and in case, it is of the view that the SOPs issued by the UPSC are not in conformity with the SOP issued by the MHA, it may issue appropriate directions to the UPSC which, in turn, shall issue supplementary SOPs to all concerned and notify them to take corrective measures forthwith.

(viii) It was also suggested that the UPSC may consider of merging the two examinations, namely, to be conducted on 04.10.2020 with the examination schedule for 2021.

We are not impressed by this suggestion as we agree with the UPSC that resorting to that option would result in cascading effect on other public examinations, as stated in the affidavit filed by the UPSC before us.

The UPSC as well as MHA, however, shall ensure that all proper logistical facilities are made available to the candidates, including observance of medical protocol and SOPs in place in that regard.

Taking overall view of the matter, nothing more needs to be done in this Writ Petition.

The Writ Petition is disposed of in the above terms.

Pending applications, if any, stand disposed of.

(NEETU KHAJURIA)  
COURT MASTER

(VIDYA NEGI)  
COURT MASTER