

# Gagan And Ors vs Union Of India And Ors on 2 April, 2025

**Author: Navin Chawla**

**Bench: Navin Chawla**

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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 02.04.2025

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W.P.(C) 3851/2025 AND CM APPL. 17896/2025

GAGAN AND ORS

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Through: Mr. Namit Saxena and Mr.  
Awnish Maithani, Advs.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Himanshu Pathak, SPC  
with Mr. Rudra Paliwal and Mr.  
Amit Singh, Advs. for R-1 & 2.  
Mr. Ravinder Agarwal, Mr.  
Manish Kumar Singh and Mr.  
Vasu Agarwal, Advs for R-  
3/UPSC.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioners, seeking the following reliefs:-

" i. Issue a Writ of Certiorari of any other appropriate Writ order or Direction quashing the impugned order dated 04.03.2025 passed by the Ld. Central Administrative Tribunal, Principal Bench, New Delhi in O.A. No. 808/2025; AND/OR ii. Issue a Writ of Certiorari or any other appropriate Writ, Order or Direction quashing the Office Memorandum No. 42013/1/79 - Estt.

(D) dated 14.12.1979 and Office Memorandum No. AB. 14017/70/87-Estt. (RR) dated 14.07.1988; AND/OR iii. Pass an order in the nature of appropriate Writ, thereby directing the respondents to fix January 1st as the crucial date for determination of age in the Examination Notice No. 05/2025-CSP published on 21.01.2025 & Examination Notice No. 06/2025-IFoS published on 21.01.2025 for the Civil Services Examination to be held in the year 2025; AND/OR iv. Pass an order in the nature of Writ of Mandamus or any other appropriate Writ, thereby revising January 1st as the crucial date for the UPSC Civil Services competitive examinations irrespective of

which half of the year the examination is held in; AND/OR v. In the alternative to allow the petitioners herein to appear for the Civil Services Examinations to be held in the year 2025;"

2. The petitioners are aggrieved by the Office Memorandum No. 42013/1/79 - Estt. (D) dated 04.12.1979, and the Office Memorandum No. AB. 14017/70/87-Estt. (RR) dated 14.07.1988, and state that these Office Memorandums prescribe ambiguous, inconsistent and arbitrary dates as the "crucial date" for determining the petitioners' age eligibility to appear for the Union Public Service Commission (hereinafter referred to as, 'UPSC') examinations. It is claimed that the said "crucial date" prescribed by the OMs, divides the year into two unequal halves, with the period starting from January to July being seven months, while the other period from August to December being five months, which have been erroneously equated for determining the "crucial date" for the UPSC examinations.

3. The aforesaid challenge of the petitioners has been rejected by the learned Central Administrative Tribunal, Principal Bench, New Delhi, (hereinafter referred to as, 'Tribunal') in its Impugned Order dated 04.03.2025 passed in OA No. 808/2025 titled Gagan and Ors. v. Union of India and Ors.

4. The learned counsel for the respondents, who appears on advance notice, submits that the issue raised by the petitioners is no longer res integra and has been rejected by the Supreme Court in its Judgment in Union of India. v. Sudhir Kumar Jaiswal, (1994) 4 SCC 212, holding as under:

"8. Having known the legal parameters within which we have to function, let it be seen whether fixation of 1st August as cut-off date for determining the eligibility of applicants qua their age can be held to be arbitrary despite preliminary examination being conducted before that date. As to why the cut- off date has not been changed despite the decision to hold preliminary examination, has been explained in paragraph 3 of the special leave petition. The sum and substance of the explanation is that preliminary examination is only a screening test and marks obtained in this examination do not count for determining the order of merit, for which purpose the marks obtained in the main examination, which is still being held after 1st August, alone are material. In view of this, it cannot be held that continuation of treating 1st August as the cut-off date, despite the Union Public Service Commission having introduced the method of preliminary examination which is held before 1st August, can be said to be "very wide off any reasonable mark" or so capricious or whimsical as to permit judicial interference.

9. Let it now be seen as to why the Bench in the impugned judgment despite the earlier decisions referred earlier, has accepted the case of the respondent. A perusal of the judgment shows that the Bench relied on an office memorandum issued by the Government of India on 4-9-1979 to come to its decision. It is enough to observe that what is stated in this memorandum, which is apparently executive in nature, cannot override the statutory provisions finding place either in Regulation 4(ii) of IAS (Appointment by Competitive Examination) Regulations, 1955 or Rule 6(a) of Civil

Services Examination Rules, 1992. According to us, this is so elementary a point that an adjudicatory body like the CAT could not have, in any case was not expected to have, made the mistake of relying on the same as it runs counter to the aforesaid statutory provisions. This is not all. The aforesaid office memorandum came to be explained or modified by another office memorandum of 14- 7-1988, which has made it clear that insofar as civil service examinations are concerned, it is the later date which is crucial in between two dates, namely, 1st January and 1st August. So, no reliance could have been, in any case, placed on what had been stated in this regard in the office memorandum of 4-9-1979."

5. The learned counsel for the petitioners, in rejoinder, submits that the above Judgment is no longer binding inasmuch as the UPSC, in 2011, had introduced General Studies Paper -II as a qualifying paper in the preliminary examinations and it has been prescribed that the candidates are required to secure at least 33% marks in the Civil Services Aptitude Test (hereinafter referred to as, 'CSAT') to be eligible for the main examination. Thus, the ranking of the preliminary examination is now to be determined solely on the basis of the marks obtained by the candidates in the General Studies Paper -I.

6. In our view, the above distinction has no effect on the cut-off date for determining the age eligibility of the candidates. As the issue has already been decided by the Supreme Court in Sudhir Kumar Jaiswal (Supra), this Court cannot re-visit the same on such artificial distinction. We, therefore, find no merit in the present petition.

7. Accordingly, the instant petition along with pending application stands dismissed.

NAVIN CHAWLA, J RENU BHATNAGAR, J APRIL 2, 2025 p/IK/sm Click here to check corrigendum, if any