

**SUPREME COURT OF INDIA****Bench: Justice Hima Kohli and Justice Ahsanuddin Amanullah****Date of Decision: 17-10-2023**

WRIT PETITION(S)(CIVIL) NO(S). 1123/2023

(FOR ADMISSION and IA No.206282/2023-EX-PARTE STAY and IA  
No.206290/2023-EXEMPTION FROM FILING O.T.)**SURENDRA KUMAR CHOUBEY****Petitioner(s)****VERSUS****UPSC & ORS.****Respondent(s)****Section, Acts, Rules, and Articles:**

Article 32 of the Constitution of India

**Subject:** Administrative Law - Challenge to UPSC's decision not to include petitioner for the personality test due to alleged late submission of Income and Asset Certificate.**Headnotes:**

Administrative Law – Writ Petition under Article 32 of the Constitution – Challenge to UPSC's decision not to include petitioner for personality test – Allegation of submitting Income and Asset Certificate after the closing date of online application – Personality test ongoing – Notice issued, Dasti service permitted – Results to be kept in a sealed cover – UPSC directed to ensure compliance with the order – Listed for further hearing on 20th November, 2023. [Para 1-8]

**Referred Cases:** None.**ORDER**

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 14<sup>th</sup>

- 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. 4<sup>th</sup> 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 4<sup>th</sup> 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 25<sup>th</sup> 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 16<sup>th</sup> 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 18<sup>th</sup> 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 18<sup>th</sup> September, 2023, stating *inter alia* that the petitioner had submitted the Income and Asset Certificate dated 7<sup>th</sup> February, 2023 and 16<sup>th</sup> August, 2023: "*after the closing date of online application for ESE2023 (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 4<sup>th</sup> 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 20<sup>th</sup> November, 2023.

© All Rights Reserved @ LAWYER E NEWS

\*Disclaimer: Always compare with the original copy of judgment from the official website.