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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision:- 02.09.2022

+ W.P.(C) 12726/2022 & CM APPL. 38660/2022 -Stay., CM APPL. 38661/2022 -Ex.

ABHISHEK KUMAR SINGH

..... Petitioner

Through: Mr.Abhay Pratap Singh with
Mr.Vijay Singh, Ms.Neetu Nagar, Advs.

versus

FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA &
ANR. Respondent

Through: Mr.Rakesh Chaudhary with
Mr.Sushaar Choudhary, Mr.Vijay Jakhwal, Advs
for R-1.

Mr.Naresh Kaushik, Adv for R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

REKHA PALLI, J (ORAL)

1. The petitioner, who claims to be a candidate for the Civil Services (Mains) Examination to be conducted by the respondent no.2/ Union Public Service Commission on 24.09.2022 as also for the examination for the post of Central Food Safety Officer and Technical Officer to be conducted by respondent no.1/Food Safety and Standards Authority of India on the same date, has approached this Court with a prayer that either the respondent no.1 or respondent no.2 be directed to change the date of examinations so as to enable him to appear in both the examinations.
2. Learned counsel for the petitioner submits that the petitioner, who with the dint of his hardwork has prepared for both the examinations and is therefore desirous of appearing in both of them. He submits that in case, the date for one of the two examinations is not changed, the petitioner will

have to forego the opportunity to appear in one of the examinations. This, he contends will be highly prejudicial to his career prospects and therefore prays that the respondents be directed to change the date of the examinations.

3. On the other hand, learned counsel for the respondents, who appear on advance notice, oppose the petition by contending that at this belated stage, all arrangements for the smooth conduct of the examinations at various centres across the country have already been made and, therefore, any change in the date of examinations will lead to a total administrative chaos. Moreover, grave inconvenience will be caused to a large number of candidates, who have already been preparing to appear in these examinations for the last many months. They submit that a similar prayer for the change in date of examinations for recruitment to judicial services for different states had been rejected by the Apex Court on 19.07.2022 in *W.P.(Civil)521/2022 titled Amit Kumar Kohli vs. The Hon'ble High Court of Rajasthan & Ors.* They, therefore, pray that the writ petition be dismissed.

4. Having considered the submissions of the learned counsel for the parties, I find that even though the petitioner may be justified in urging that on account of the date of both the examinations being same, he will have to forego the opportunity to appear in one of the examinations, the same cannot be a ground for directing any change in the date of the examinations, as prayed for. Even otherwise, the date of 24.09.2022 for the Civil Services (Mains) examinations was announced at least two months ago and similarly the date for the examination for the post of Technical Officer and Central Food Safety Officer was made known to the candidates

more than a month ago. There is no justification by the petitioner in approaching the Court at this belated stage with barely three weeks left for the examinations when all arrangements for holding of the examinations in a large number of centres all across the country have already been made by the respondents. The respondents are justified in contending that any change in the date of examination at this belated stage will cause grave inconvenience and prejudice to the candidates as well. The petitioner will, therefore, have to make a choice as to in which of the two examinations, he wishes to appear.

5. At this stage, it would be apposite to refer to the observations of the Apex court in the *Amit Kumar Kohli (Supra)*, which read as under:-

“ Filling up of judicial vacancies is of prime urgency. There appears to be some clashes of examination and earlier also some deferments took place and that too at the behest of a couple of students.

We cannot countenance a situation where exams are continuously deferred as they are different examinations and the petitioner(s) will have to take a choice where he/they want(s) to appear as otherwise it causes grave prejudice to other candidates and to the examination process.”

6. For the aforesaid reasons, there is no merit in the writ petition, which is accordingly dismissed along with all pending applications.

SEPTEMBER 2, 2022
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REKHA PALLI, J