



2025:DHC:512-DB



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

+ W.P.(C) 2483/2017 & CM APPL. 30308/2018

UNION PUBLIC SERVICE COMMISSION .....Petitioner

Through: Mr. Ravinder Agarwal,  
Standing Counsel and Mr. Lekh Raj Singh,  
Adv.

versus

MUKESH KUMAR ROHILLA & ORS .....Respondents

Through: Mr. Abhigya Kushwah and Ms.  
Sunita Singh, Advs. for R-1

**CORAM:**

**HON'BLE MR. JUSTICE C. HARI SHANKAR**

**HON'BLE MR. JUSTICE AJAY DIGPAUL**

**JUDGMENT (ORAL)**

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**29.01.2025**

**C. HARI SHANKAR, J.**

1. We have heard Mr. Ravinder Agarwal, learned Standing Counsel for the petitioner and Mr. Abhigya Kushwah, learned Counsel for the Respondent 1.

2. A perusal of the impugned judgment passed by the Central Administrative Tribunal<sup>1</sup> reveals that the Tribunal has proceeded on the premise that, mid-selection, the UPSC decided to fix a minimum cut-off of 40 marks for the interview. *Inter alia*, the Tribunal has held that the UPSC could not have thus altered the rules of the game once the game had begun and has, therefore, allowed the respondent's OA.

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<sup>1</sup> "the Tribunal", hereinafter



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3. Mr. Agarwal submits that, in fact, the decision to fix 40 marks as cut-off for interview is of 2005 vintage, having been circulated by Circular 1/2005 dated 4 January 2005, which has been noted by a Coordinate Bench of this Court in its judgment dated 21 January 2020 in WP (C) 13150/2018<sup>2</sup>, to be in the public domain. He acknowledges the fact that there was a lapse in not producing the said Circular before the Tribunal when the matter was heard, though there was an oblique submission, in the counter affidavit, filed by way of response to the respondent's OA, that the UPSC had already taken a decision to fix the minimum cut-off marks in the interview.
4. Mr. Aggarwal points out, however, that the Circular was produced by the petitioner with the Review Petition filed before the Tribunal, seeking a review of the judgment dated 2 December 2016.
5. The Tribunal has, however, dismissed the Review Petition.
6. While strictly speaking, the Tribunal cannot be faulted as the aforesaid Circular was not brought to its notice, we deem it appropriate that the Tribunal be directed to have a fresh look at the matter keeping in mind the aforesaid Circular No. 1/2005 dated 4 January 2005.
7. For this purpose, we remit the matter to the Tribunal.
8. Let both parties appear before the Tribunal on 13 February

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<sup>2</sup> UPSC v Mukesh Kumar Suman



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**9.** We request the Tribunal to not to adjourn the matter on the said date and decide it as expeditiously as possible.

**10.** As the OA was pending before the Tribunal for four years and this writ petition has been pending before this Court for eight years, we request the Tribunal to dispose of the matter, if possible, within a period of four weeks of the hearing.

**11.** We clarify that we have not expressed any opinion, one way or the other, on the aforesaid Circular No. 01/2005 or its applicability to the present case. It would be for the Tribunal to take a view as to whether maintain or modify the judgment under challenge, or to take a contrary view.

**12.** All contentions shall remain open to be urged before the Tribunal.

**13.** The writ petition stands disposed of in the aforesaid terms.

**14.** Pending miscellaneous applications, if any, also stand disposed of.

**C. HARI SHANKAR, J.**

**AJAY DIGPAUL, J.**

**JANUARY 29, 2025/dsn**

*Click here to check corrigendum, if any*