
(2015) 10 JH CK 0084
In the Jharkhand High Court
Case No : WP(S) No. 4307 of 2015

Arpana Kumari

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 06-10-2015

Acts Referred:

Citation : (2015) 4 JLJR 430

Hon'ble Judges : Aparesh Kumar Singh, J.

Bench : Single Bench

Advocate : Binod Singh, for the Appellant; Rajesh Kumar, for the Respondent

Final Decision : Dismissed

Judgement

Aparesh Kumar Singh, J.—Heard counsel for the parties. It appears that the petitioner's application for appearing in the TET Exam. under Advertisement No. 95/2012 was not received in the office of the respondent-Jharkhand Academic Council, Ranchi within the prescribed time stipulated under the original Advertisement No. 95/2012 or even as per the corrigendum being Advertisement No. 22/2013 (Annexure-5).

2. Petitioner relying upon Annexure-6, said to be the receipt of dispatch of Teachers Training Certificate by Speed Post, submits that they were sent to the correct address of JAC on 29-4.2013 but were diverted to some other address, as a result, could not reach the respondent-JAC within the time. This alone is the basis for rejection of her candidature. In the earlier writ petition preferred by the petitioner WPS No. 4587/2013, the learned Single Judge had been pleased to direct the respondent-JAC to consider her representation by order dated 10.12.2013 (Annexure-9). The order impugned at Annexure-11 dated 4.1.2014 has rejected the petitioner's claim on the said ground.

3. Counsel for the respondent-JAC submits that the petitioner's Teachers Training Certificate had never been received in the office of the respondent-JAC, as per the provisions of clause-4 of the original Advertisement No. 95/2012 and

even as per the corrigendum. Therefore, mere dispatch of the said document if at all, would not be a compliance of the requirement of the advertisement. It is submitted that such plea, if accepted, would amount to changing the cut-off date of the advertisement for one or the other individual which may result in unfair discrimination to several such similarly situated persons. Even respondent-JAC for no fault, cannot be blamed for non-consideration of the petitioner's candidature for that reason.

4. Having considered the submissions of the parties and relevant material facts pleaded, it is evident that mere dispatch of certificate by the petitioner through Speed Post, does not fulfill the requirement of the recruiting agency for submission of the application/Teachers Training Certificate by the cut-off date prescribed by them. If the postal agency has diverted the letter/consignment of the petitioner to any other address, petitioner may have the grievance against the said agency, as permissible in law, but that would not make out a case for consideration of her candidature even though, Teachers Training Certificate did not reach the office of the respondent-JAC within the time prescribed. In view of the discussions made and the reasons recorded hereinabove, petitioner has failed to make out a case for interference in the impugned order. Writ petition is accordingly dismissed.