
(2006) 08 KAR CK 0088
In the Karnataka High Court
Case No : Writ Appeal No. 3781 of 2005

B.K. Sreenivas Murthy

APPELLANT

Vs

North West Karnataka State Road Corporation

RESPONDENT

Date of Decision : 21-08-2006

Acts Referred:

Citation : (2008) ILR (Kar) 2502

Hon'ble Judges : Cyriac Joseph, C.J;K. Ramanna, J

Bench : Division Bench

Advocate : T.S. Mahantesh, for the Appellant; Ajay Govindaraj, for L. Govindaraj, for the Respondent

Final Decision : Dismissed

Judgement

Cyriac Joseph, C.J.—This writ appeal is filed against the judgment dated 12.09.2005 in writ petition No. 38261 of 2002 which was dismissed by the learned Single Judge. The appellant is the petitioner in the writ petition.

2. In response to the notification issued by the 1st respondent inviting applications for the post of Junior Assistant-cum-Typist, the appellant submitted his application. The selection to the post of Junior Assistant-cum-Typist was based on the percentage of marks obtained by the candidates in the qualifying examination. The candidates were directed to appear for interview along with the certificates including the certificates relating to the qualifying examination. The interview was fixed on 16.09.2002. The selection was finalised on the same date.

3. The appellant claims to have received the letter for interview only on 18.09.2002 and hence could not appear for the interview. Consequently, he was not considered for selection and was not included in the list of selected candidates. In such circumstances, the appellant filed the writ petition on 08.10.2002 praying for a direction to the respondents to interview the appellant and to publish the results of the interview.

4. Even though the appellant claims that he received the interview letter only on

18.09.2002, he has not produced any material to substantiate the claim. Even the interview letter received by him has not been produced. At least the endorsement on the interview letter would have indicated the date on which it was received by him. In such circumstances, the appellant was not entitled to any relief on the assumption that the interview letter was received by him only on 18.09.2002. Even otherwise, it is admitted in the writ petition that the interview letter was dated 04.09.2002.

5. According to the counsel for the respondents it was posted on 05.09.2002. The appellant is a resident of Gowdribidanur in Kolar District. After the interview letter was of posted at Hubli on 05.09.2002 as claimed by the respondents, in the normal course there was sufficient time for the letter to reach the appellant well before the date of interview. If the respondents posted the interview letter sufficiently early, providing reasonable time for service of the letter on the addressee before the date fixed for interview, the responsibility or obligation of the respondents stands discharged and even if there was any delay in serving the letter on the addressee due to any fault on the part of the postal authorities or due to the non-availability of the addressee for service of the letter, the respondents cannot be held liable and the addressee is not entitled to claim any right on account of such delay.

6. In this view of the matter, even assuming that the interview letter reached the appellant only on 18.09/2002 as claimed by him, the respondents cannot be held responsible for the failure of the appellant to appear for the interview on 16.09.2002 and the respondents cannot be compelled to conduct any fresh interview for the appellant and to disturb the selection already made.

7. Though it is an unfortunate situation for the appellant, we are not in a position to show any indulgence as the appellant has not placed on record any material to show that the interview letter reached him only on 18.09,2002 and that such delay was not on account of the appellant.

8. In the above circumstances, there is no merit in the writ appeal. The writ appeal is dismissed.