

(2021) 03 SHI CK 0170

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 5694 Of 2020

Gurpreet Singh

APPELLANT

Vs

Himachal Pradesh State Electricity Board Limited & Ors

RESPONDENT

Date of Decision : 22-03-2021

Acts Referred:

Citation : (2021) 03 SHI CK 0170

Hon'ble Judges : L. Narayana Swamy, CJ; Jyotsna Rewal Dua, J

Bench : Division Bench

Advocate : Amrinder Singh Rana, Vikrant Thakur, Balram Sharma

Final Decision : Disposed Of

Judgement

Jyotsna Rewal Dua, J

1. This writ petition has been filed for the following reliefs:

"i. That appropriate writ order or direction may very kindly be issued directing the respondent to consider the candidature of the petitioner for the post of Junior T-Mate by allowing him to participate in the evaluation/interview test which is yet to take place on 10.12.2020 & 11.12.2020.

ii. That appropriate writ order or direction may very kindly be issued and the condition to the extent that the candidate who failed to submit the requisite document on the 20.07.2020 (till 5 PM) will be rejected straightway may very kindly be quashed and set aside, and last date for the application should be one of the entire state in the interest of law and justice."

2. Heard learned counsel for the parties.

3. The respondents had advertised on 4.6.2020 various posts for various categories including 1500 posts of Junior T-Mate. The last date for submission of application form in terms of the advertisement was 20.7.2020. It is the case of the petitioner that he had submitted his application form to the respondents vide

registered post on 16.7.2020, however, he was not called for interview on the ground that his application was not received by them. The postal receipt has been placed on record.

4. Similar prayer was allowed by coordinate Bench of this Court in CWP No. 5674 of 2020, titled Anil Kumar versus Himachal Pradesh State Electricity Board Ltd. and others, decided on 9th December, 2020 by observing as under:

"4. It is thus clear that the petitioner had been vigilant in dispatching his form well within time, therefore, in such circumstances, cannot be made to suffer for no fault of his.

5. Even otherwise, the Court cannot be oblivious to the legal maxim *Lex non intendit aliquid impossibilia* (Law intends not to anything impossible) and *Lex non cogit ad impossibilia* (The law does not compel the impossible.)"

Vide interim order dated 10.12.2020, the petitioner was provisionally permitted to participate in the documentation/interview for the posts of Junior T-Mate.

In view of above and considering overall facts and circumstances of the case, we allow this writ petition. The interim order dated 10.12.2020 is made absolute. The respondents are directed to declare the result of the petitioner in terms of the advertisement dated 4.6.2020 under which he had applied.

The writ petition is disposed off, so also the pending application(s), if any.