
(1998) 11 PAT CK 0020
In the Patna High Court
Case No : C.W.J.C. No. 9475 of 1998

Md. Arif Khan

APPELLANT

Vs

The Bihar Public Service Commission and Others

RESPONDENT

Date of Decision : 09-11-1998

Acts Referred:

Citation : (1998) 3 PLJR 901

Hon'ble Judges : B.M. Lal, C.J;S.K. Singh, J

Bench : Division Bench

Advocate : Jagdish Pandey and Ashutosh Pandey, for the Appellant; K.K. Mandal and Anil Kr. Tiwary, for the Respondent

Final Decision : Dismissed

Judgement

1. Heard Shri Jagdish Pandey for the Petitioner and Shri K.K. Mandal and Shri Anil Kumar Tiwary for the Respondents on, the question of admission.
2. This petition is for directing the Respondents to make proper arrangement for Petitioner's appearance in the Drugs Inspector's examination scheduled to be held on 11.11.1998.
3. It is contended that as per terms and conditions of the advertisement, annexure 1 to this writ petition, applications were invited for the post of Drugs Inspectors through registered post and the last date for receipt of the application form was 10.11.1997. Accordingly, the Petitioner had despatched his application form through registered post on 5.11.1997 but the Public Service Commission has rejected his application form on the ground that the application form sent by him on 5.11.1997 could not reach the office of the Public Service Commission on or before 10.11.1997 but has reached thereafter.
4. According to the terms and conditions of the advertisement, the application forms were invited through postal department. Thus, the postal department has acted as an agent of the Public Service Commission and if the agent commits a mistake, indeed it is attributable to the Public Service Commission, for which the

Petitioner cannot be blamed. Therefore, in our opinion arguable prima facie case is made out for admission as well as directing the Public Service Commission to make proper arrangement for Petitioner's appearance in the ensuing examination of Drugs Inspector commencing from 11.11.1998.

5. The petition is, therefore, admitted for hearing the parties.

6. Let notices be issued to the Respondents for a date to be fixed by the office.

7. Process fee, etc. be filed within seven days, failing which, this writ petition shall stand dismissed without making further reference to this Court.

8. Meanwhile, we direct the Bihar Public Service Commission to make proper arrangement and to allow the Petitioner to appear in the ensuing examination of Drugs Inspector commencing from 11.11.1998. However, the result of the examination shall be subject to final decision of this writ petition.

9. Let certified copy of this order be supplied to learned Counsel appearing for the parties on usual charges during course of the day.