
(2014) 02 PAT CK 0094
In the Patna High Court
Case No : CWJC No. 1813 of 2014

Mithilesh Kumar

APPELLANT

Vs

The Union of India and Others

RESPONDENT

Date of Decision : 28-02-2014

Acts Referred:

Citation : (2015) 2 PLJR 321

Hon'ble Judges : Chakradhari Sharan Singh, J.

Bench : Single Bench

Advocate : Jitendra Kumar Giri, for the Appellant; Gautam, for the Respondent

Final Decision : Dismissed

Judgement

Chakradhari Sharan Singh, J. Heard learned counsel for the petitioner, learned counsel appearing on behalf of the Respondent-Bank as well as learned Assistant Counsel for Union of India. The petitioner seeks a direction commanding the Respondents to appoint him on the post of Fulltime Sweeper in the Bank of Baroda. It is the petitioner's case that pursuant to a communication dated 30.10.2013, the petitioner had participated in the interview on 16.11.2013. Thereafter, another interview letter dated 16.11.2013 was issued asking the petitioner to appear again for interview on 2.12.2013.

2. The petitioner's grievance is that the petitioner received the said letter dated 16.11.2013 on 6.12.2013 and, therefore, he could not participate in the interview conducted on 2.12.2013. A counter affidavit has been filed on behalf of the Respondent-Bank stating therein that the interview conducted on 16.11.2013, was found to be irregular inasmuch as the Interview Board was not found to have been duly constituted and accordingly fresh interview was conducted. Intimation as regards cancellation of the earlier interview was made to the concerned candidates and all candidates except this petitioner participated in the interview conducted on 2.12.2013.

3. Learned counsel for the Respondents has also submitted that nothing has

been brought on record by the petitioner to substantiate that the petitioner received the said communication after 2.12.2013. It has further been submitted that in any event, for the postal delay the bank cannot be held responsible.

4. The present case was adjourned repeatedly to enable learned counsel for the petitioner, on his request to bring on record the documents to Satisfy this Court that the petitioner in fact received the said communication on 6.12.2013.

5. In any view of the matter, I find substance in the submission of learned counsel appearing on behalf of the Respondent-Bank that postal delay cannot be a ground for cancellation of process of selection. In support of his submission, he has placed reliance upon the following judgments of this Court as well as of the Apex Court, reported in 2010 (2) P.L.J.R. 1008 (Manas Kumar Sinha vs. Bihar Public Service Commission), Mohan Jee Yadav Vs. The State of Bihar and Others, , Sri Krishna Nandan Sah Vs. Union of India and Others, and State of Bihar and Others Vs. Amrendra Kumar Mishra, . This application does not have any merit and is accordingly dismissed.