
(2011) 09 PAT CK 0179
In the Patna High Court
Case No : CWJC No. 12503 of 2011

Mohan Jee Yadav

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 26-09-2011

Acts Referred:

Citation : (2012) 4 PLJR 995

Hon'ble Judges : Ajay Kr. Tripathi, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Ajay Kr. Tripathi, J.—Heard learned counsel for the petitioner, counsel for the Staff Selection Commission as well as Government of India representing the Postal Department as also learned counsel for the State. The reason for the petitioner to file present writ application is that his application for participation in the graduate level preliminary examination has been refused or rejected by Staff Selection Commission because his application has been received after the final cut-off date i.e. 31.5.2011.

2. The case of the petitioner is that he had sent the application with postal order by speed post from Rosera Post Office on 27.5.2011 but for the reasons best known to the postal authorities, such application could be delivered only on 5.6.2011. The Commission refused to accept the application since it was received beyond the cut-off date.

3. Contention of the learned counsel for the petitioner is that blame cannot lie on him because dispatch is not disputed which is dated 27.5.2011 and if the Postal Department let him down, he should not be prevented from having a go at the examination or his career jeopardized.

4. Even though, the court has sympathy with the petitioner but there is no mechanism by which last date for acceptance of form or application as such can be extended when commission had no role to play in such delay. If there is

failure on the part of postal authorities to deliver the application within a reasonable time frame, the petitioner has a claim against the Postal Department for appropriate compensation under the Consumer Protection Act. But giving a direction for accepting the form of the petitioner, which admittedly was delivered at the door step of the commission much beyond the cutoff date, would be uncalled for. The writ petition is dismissed. Liberty however, granted to the petitioner, if he wants to take action for damages or compensation either under common law or under special law including the Consumer Protection Act. He has freedom to do so.