
(2001) 11 AHC CK 0028
In the Allahabad High Court
Case No : C.M.W.P. No. 34929 of 2001

Om Prakash Singh Yadav

APPELLANT

Vs

Director, State Council for Education Research and Training
and Another

RESPONDENT

Date of Decision : 08-11-2001

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2002) 1 AWC 420 : (2002) 1 UPLBEC 788

Hon'ble Judges : Anjani Kumar, J

Bench : Single Bench

Advocate : S.P. Pandey, for the Appellant;

Final Decision : Allowed

Judgement

Anjani Kumar, J.—This petition under Article 226 of the Constitution of India was heard by me on 8.11.2001 and after hearing learned counsel for the parties, I dismissed the writ petition for reasons to be recorded later on. The reasons for the dismissal of the aforesaid writ petition are as under.

2. The petitioner by means of the present writ petition claimed the following reliefs :

"A. to issue a writ, order or direction in the nature of mandamus commanding the opposite party No. 1 to accept application form of the petitioner and to consider candidature of petitioner on merits along with other candidates and to declare his result accordingly ;

B. to issue a writ, order or direction in the nature of mandamus commanding the Opp. parties to accord all consequential benefit to the petitioner according to result of selection ;

C. to issue any other writ, order or direction as this Hon"ble Court may deem fit and proper ;

D. to award cost of this petition."

3. According to the petitioner's own case, the last date for submitting the application form for the selection for B.T.C. training was 29.9.2001. The petitioner's application was presented before the respondents, which was sent by registered post on 1st October. 2001 and it was therefore, refused to be accepted. Learned counsel for the petitioner has submitted that he has sent the aforesaid application by registered post on 6.9.2001 and in normal course, the registered letter should have been received by the respondents before 29.9.2001, but as stated above from the materials on record, it is apparent that the same was received by the respondents on 1st October. 2001 and the respondents have refused to accept the same. The petitioner would have made out a case, had they approached this Court immediately after the return of the registered cover, but the petitioner instead of approaching this Court immediately on receiving back the said registered cover, was sitting tight over the matter and approached this Court by means of filing the present writ petition after 31.10.2001. Learned standing counsel pointed out that in between, the result of the selection for B.T.C. training has already been declared by the respondents.

4. In this view of the matter, the reliefs asked for by the petitioner cannot be granted and in fact this writ petition has become infructuous and further is liable to be dismissed for the reasons stated above.

5. In view of the aforesaid fact, this writ petition is dismissed. There will be no order as to costs.