

(2011) 05 UK CK 0080

In the Uttarakhand High Court

Case No : Writ Petition (S/B) No. 94 of 2011

Pradeep Kumar Singhal and Akash Kumar

APPELLANT

Vs

State of Uttarakhand and Uttarakhand Public Service
Commission

RESPONDENT

Date of Decision : 13-05-2011

Acts Referred:

Citation : (2011) 05 UK CK 0080

Hon'ble Judges : Barin Ghosh, C.J.;Serves Kumar Gupta, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Barin Ghosh, C.J.—Petitioners are seeking this Court to direct Respondent No. 2 to accept its response against the invitation dated 28th March, 2011 tendered to the said Respondent on 29th April, 2011. In the invitation, Respondent No. 2 made it clear that the response thereto must reach the said Respondent at or before 6.00 P.M. of 28th April, 2011, and that, any response submitted thereafter shall not be accepted. The invitation made it clear that the said response may be sent either by person or by post. According to Petitioners, they posted their response on 25th April, 2011 by Speed Post and normally Speed Post is delivered to the addressee within 48 hours and, accordingly, response of the Petitioners should have reached Respondent No. 2 by 27th April, 2011 or, at the best, by 28th April, 2011. It is contended that there was no laches on the part of the Petitioners in reaching their response on time, and that, the fault, if any, is on the part of the Postal Department. A look at the invitation would make it clear that two options were given to the Petitioners to submit their response either through post or in person. In both the cases, it was indicated that if the response is tendered after time, as was given in the invitation, the same will not be accepted. Since the Petitioners failed to tender their response to the invitation within time, as was mentioned, Respondent No. 2 had no other option but to refuse to accept the response of the Petitioners as they were bound by what they

had represented to the word at large by the said invitation dated 28th March, 2011.

2. There is, thus, no scope of interference. The writ petition fails and the same is dismissed.