
(2020) 12 SHI CK 0051

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 5673 Of 2019

Prem Dutt

APPELLANT

Vs

Himachal Pradesh State Electricity Board Ltd. And Others

RESPONDENT

Date of Decision : 09-12-2020

Acts Referred:

Citation : (2020) 12 SHI CK 0051

Hon'ble Judges : Tarlok Singh Chauhan, J;Sandeep Sharma, J

Bench : Division Bench

Advocate : Parveen Chandel, Vikrant Thakur

Final Decision : Allowed

Judgement

Tarlok Singh Chauhan, J

1. The limited prayer made in this petition is to permit the petitioner to participate in the documentation/interview to be held on 10th December, 2020

for the post of T-Mate in the respondent- department.

2. It is averred that respondent No.1 advertised the posts of T-Mate on 04.06.2020, which were to be filled "in offline mode with closing date of

20th July, 2020. The petitioner being eligible applied for the same and got posted his form through speed post on 15th July, 2020. The respondent-

department on 29.11.2020 displayed a list of eligible candidates, but the petitioner was shocked to know that his name was not there in the list.

3. On enquires being made, it transpired that the form of the petitioner was received in the respondent department on 23.07.2020 whereas, last date

for receipt thereof was 20.07.2020. The petitioner thereafter went to the postal department to enquire why his form was not sent in time and, in turn,

they replied that though his form was sent on 15.07.2020 through speed post,

but could not be delivered on the next day in normal course of business and was delivered only on 23.07.2020 because of the COVID-19 Pandemic.

4. It is thus clear that the petitioner had been vigilant in dispatching his form well within time, therefore, in such circumstances, cannot be made to suffer for no fault of his.

5. Even otherwise, the Court cannot be oblivious to the legal maxim *Lex non intendit aliquid impossibilia* (Law intends not to anything impossible) and *Lex non cogit ad impossibilia* (The law does not compel the impossible).

6. Accordingly, the present petition is allowed by directing the respondents to permit the petitioner to participate in the documentation/interview to be held on 10th December, 2020 for the post of T-Mate in the respondent No.2-department on 10.12.2020. Pending application(s), if any, also stands disposed of. The parties are left to bear their own costs.

An authenticated copy of this order be supplied to the learned counsel for the parties by the Court Master.