

(2019) 01 JH CK 0041
In the Jharkhand High Court
Case No : Writ Petition (C) No. 6193 Of 2018

Raushan Kumar Jha

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 16-01-2019

Acts Referred:

Citation : (2019) 01 JH CK 0041

Hon'ble Judges : Sujit Narayan Prasad, J

Bench : Single Bench

Advocate : Birendra Kr. Jha, Rajiv Sinha

Judgement

1. This writ petition is for issuance of direction upon the respondent especially the Respondent Nos. 3 and 4 to accept the form of main examination of JPSC, 2016, vide Advertisement No. 23 of 2016 since the application form has not been accepted by the Jharkhand Public Service Commission. It is the case of the petitioner that he in terms of the Advertisement No. 23 of 2016, has been declared to be qualified in the preliminary examination 2016 for selection of candidate inducting in the State cadre service and after being successful, was communicated to make proper application for appearing in the written examination. He being the resident of Nal, Block, falling within the jurisdiction of the state of Rajasthan from where he has dispatched his application form along with the due postal-stamp but subsequent thereto upon inquiry, came to know that there is deficit postal stamp and hence the Post Office has not dispatched the application resulting into not reaching to the Post Office of the Jharkhand Public Service Commission.

2. It is the case of the petitioner that the Nal, Post Office has accepted the application without making proper measurement of the postal stamp and thereafter it has been sent before the main post office situated in the District of Bikaner, Rajasthan wherein upon the measurement of the weight of the envelop it was found that the postal stamp is less as per its requirement therefore it could not have been dispatched.

3. The petitioner is raising the question that since there is latches on the part of the said postal department petitioner had to suffer. Therefore, direction has been sought for upon the Jharkhand Public Service Commission to issue admit card so that he may be able to participate in the written examination scheduled to be held on 28.01.2019.

4. Learned counsel for the Jharkhand Public Service Commission has vehemently opposed the submission and grievance raised by the petitioner that there is no latches on the part of the Jharkhand Public Service Commission rather if the petitioner has not properly made arrangement to send the application then the latches lie on the part of the petitioner and wrong committed by him, so he may not be given any benefit of issuing the admit card that to when the process of conducting examination has already been closed, the written examination is scheduled to be held from 28. 01.2019, if any direction would be passed by this Court the entire process would be initiated which will be time consuming. It has been submitted that the instant writ petition has already been filed after closure of the last date of acceptance of the application form i.e. 03.10.2018 while the instant writ petition has been filed after lapse of about three months the instant writ petition has been filed i.e. on 05.12.2018 and this writ petition is not fit to be entertained by issuing a direction as sought for.

5. Having heard the learned counsel for the parties and on appreciation of the rival submissions it is evident from the material available on record that the petitioner happens to be a candidate for participating in the selection process initiated by the Jharkhand Public Service Commission for fulfilling the various posts belonging to the state cadre in pursuance to Advertisement No. 23 of 2016. The petitioner has participated in the preliminary examination in which he has been declared to be successful.

6. As per the condition of selection process a candidate if found to be successful in the preliminary examination is supposed to make fresh application for participating in the written examination, in pursuance thereto, the petitioner on getting proper communication through the paper publication ought to have made application to reach the office of the Jharkhand Public Service Commission within the due date i.e. initially it was 14. 09.2018 subsequently it was extended to 03.10.2018 but the application could not reach to the office of Jharkhand Public Service Commission, in consequent thereof the admit card has not been issued and hence the petitioner has approached to this Court for issuance of the proper direction to Jharkhand Public Service Commission to issue proper admit card so that the petitioner may be able to participate in the written examination.

7. The petitioner has taken ground that the application has been dispatched by him in the Nal, Post Office which is a block falling within the District of Bikaner, Rajasthan, where the application has been accepted by the sub Post-office at Nal, but on inquiry when no admit card has been issued, he has been communicated that the Nal, Post Office has sent his admit card to the Post Office equated in the district of Bikaner, Rajasthan, upon its measurement it was found that the postal

stamp was not sufficient therefore it has already been informed that he may reach to the office of the Jharkhand Public Service Commission.

8. The contention of the petitioner is that there is no latches lie in his part but the latches are acted by the Nal, Post Office who without having any weight machine has accepted the envelop and it was found by the Bikaner Post-office that the postal stamp was not sufficient and for that reason he is now being deprived from participating in the selection process.

9. The question is that a direction can be issued upon the respondent JPSC if any latches committed on their part.

10. The substantive prayer made by the petitioner in this writ petition is against the Jharkhand Public Service Commission to issue admit card.

11. Admittedly as per the pleading made by the petitioner in the writ petition, no latches lie on the part of Jharkhand Public Service Commission since it is the admitted case of the petitioner that he has submitted his application in the Nath Post-office and the Bikaner, Post-office, has found that the postal stamp were not sufficient and if there is any latches on the part of the Nal, Post-office for which the petitioner can raise the claim of damage which is adjudicated by the appropriate forum but if any latches have been committed by Post-office no direction can be issued upon JPSC.

12. Further the petitioner being a candidate aspiring for getting an appointment in the class-II state service so he ought to have been more conscious and not to act in a casual manner since he has acted by submitting application form without getting its proper measurement by the Nal, Post Office.

13. The contention which has been advanced by the petitioner that the Nal, Post Office has not weighed his form is accepted for the sake of argument in order to know about actual Postal Stamp, he should have approached to the other Post Office, so that the application ought to have been submitted before the Post-office in order to paste sufficient postal stamp.

14. In view thereof, it cannot be said that there is no latches on the part of the petitioner be that as it may where the date of examination has already been fixed from 28.01.2019 therefore, as has been raised by the counsel for Jharkhand Public Service Commission that the process of issuing admit card has been closed and the center have been allocated and if any direction would be passed by this Court the entire process is to be initiated again that will be time consuming and considering this aspect of the matter for a single candidate entire system cannot be lingered that too when the latches is committed on the part of the petitioner.

15. Further last date after its extension was 03.10.2018 but about after three months the instant writ petition has been filed i.e. after closure of the date of application form.

16. In view thereof, the present matter as also the petitioner has got no case.

17. In view thereof, in entirety of facts and circumstances and for the reason stated hereinabove this Court finds no reason to pass any positive direction upon the respondent Jharkhand Public Service Commission. Accordingly, the writ petition fails and is dismissed.