

(2011) 08 SHI CK 0230

In the High Court Of Himachal Pradesh

Case No : CWPIl No. 27 of 2011 and CWP No. 4118 of 2011

Sameksha Sharma and Another

APPELLANT

Vs

State of Himachal Pradesh and Others
 Dev Kumar and
Another Vs H.P. Subordinate Service Selection Board and
Others

RESPONDENT

Date of Decision : 01-08-2011

Acts Referred:

Citation : (2011) 08 SHI CK 0230

Hon'ble Judges : Kurian Joseph, C.J.;Sanjay Karol, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—Petitioners in these cases have approached this Court on account of rejection of their application forms for appointment to the post of Art & Craft Teacher. The rejection is only on the ground of delay of receipt of the application in the office of the Selection Board. According to the Petitioners they had sent the applications well within time through speed post and the same were delivered belatedly on account of the postal delay. On 22.6.2011 this Court passed the following order in CWP No. 4118 of 2011 and 4538 of 2011:

In several cases which are brought before this Court, the allegation is that the application sent by speed post has not been delivered within the expected time. It appears, the speed post has lost its speed. The Post Master General, Himachal Pradesh, will stand impleaded as the additional 6th and 2nd Respondent, respectively, in both the cases. There will be a direction to the additionally impleaded 6th / 2nd Respondent to look into the matter and file an affidavit before this Court as to the efficacy of the speed post introduced in the state of Himachal Pradesh. It will be stated in the affidavit as to how many complaints were received regarding the delay in the delivery of articles by speed post and what the steps are taken for ensuring the delivery, as per the expected time. The affidavit, as above, shall be filed within a month.

There will also be a direction to provisionally admit the Petitioners for

examination, in the meanwhile. Post on 1.8.2011....

2. The Chief Post Master General H.P. Circle, Shimla has filed a detailed affidavit dated 13.7.2011. It is fairly admitted in the affidavit that there has been some delay in delivering postal articles but it is explained in detail that the delay occurred only on account of the instructions issued by the Postal Department with regard to the Mail Network Optimization Project intended to streamline core mail operations. Under the said operational arrangement, 89 speed post sorting hubs have been created against 315 speed post centers across the country w.e.f. November, 2010. All the postal articles received at the centers had to be initially forwarded to one of the 89 newly created speed post sorting hubs from where it would be sent to the centre concerned for delivery. In the peculiar geographical condition of the State of Himachal Pradesh where the connectivity by air and rail between the centers is poor and hardly any between certain centers and connectivity by roads takes even days between certain centers, it is submitted that the Chief Post Master General H.P. Circle at Shimla has been requesting for appropriate modification in the State of Himachal Pradesh. It appears that the same took some time in the postal department to address the issue as far as the State of Himachal Pradesh is concerned. It is seen that pursuant to such request the Government of India, Postal Department had granted relaxation as per order dated 7.7.2011. Learned Asstt. Solicitor General of India has brought to the notice of this Court that consequential orders have been issued by the Chief Post Master General, H.P. Circle on 20.7.2011 whereby intra circle hubs have been attached with sorting hubs and therefore it is submitted that there would not be any delay in delivery of postal articles by speed post.

3. The steps taken by the postal department was certainly well meaning as far as major part of the country is concerned, but without at all appreciating the geographical conditions of the State of Himachal Pradesh. The department has now taken the required corrective steps and hence it is not necessary for this Court to deal with the issue any further. However, we may make a passing observation that while the department introduces such innovative measures the peculiar condition of the State of Himachal Pradesh should be considered and such issues will be especially addressed as far as this State is concerned.

4. As far as the Service Selection Board is concerned we are informed that the test and interview are scheduled to be held on 21.8.2011. In view of the peculiar facts and circumstances whereby it is clear that the delay is not attributable to the Petitioners, as a special case, it is directed that the applications of the Petitioners herein shall be treated to have been filed in time and they shall be permitted to participate in the selection for the post of Art and Craft Teacher. The Selection Board will give due intimation to the Petitioners in CWPIIL No. 27 of 2011 as well.

5. Petitions stand disposed of as above, so also the pending applications, if any.

A duly authenticated copy of this judgment is supplied to the learned Counsel for

the parties.