
(2008) 02 DEL CK 0294

In the Delhi High Court

Case No : Writ Petition (Civil) No. 1319 of 2008 and C.M. No. 2585 of 2008

Shilvi Nigam

APPELLANT

Vs

Central Board of Secondary Education and Others

RESPONDENT

Date of Decision : 25-02-2008

Acts Referred:

Citation : (2008) 02 DEL CK 0294

Hon'ble Judges : Gita Mittal, J

Bench : Single Bench

Advocate : Ashwani Sharma, for the Appellant; Atul Kumar, for the Respondent

Final Decision : Dismissed

Judgement

Gita Mittal, J.—By this writ petition the petitioner has sought a direction to the respondent No. 2 to issue admit card to appear in examination of class 12th Board Examinations 2008 as a private candidate. The petitioner has submitted that on account of death of her uncle, she could not deposit the form with the late fee by the last date which was notified as 29th October, 2007. She submitted the form on the 10th December, 2007 with the covering letter from the Secretary of the Ministry of Empowerment, Government of India, New Delhi. It is thus admitted that she has submitted the form with the late fee. The respondent No. 3 however has rejected the admission form on the 14th December, 2007 on account of its late submission and the petitioner has been asked to apply for refund of the examination fee. The petitioner's representation were not acceded to by the respondent resulting in filing of the present writ petition.

2. I have heard learned Counsel for the parties. The respondent have filed a short affidavit enclosing the application form and the instructions for the private candidates. I find that the respondent have clearly notified all prospective candidates that the form should be submitted in the listed branches of the Syndicate Bank on or before the 5th September, 2007 by 1 p.m. Thereafter the form and the fee may be deposited after such date if accompanied by the

prescribed late fees. The last date for submission of the application form with the late fee as notified by the respondent was 29th October, 2007.

3. Learned Counsel for the petitioner has made a prayer that the petitioner has failed last year and in case her application was not accepted this year as well, she will lose one valuable year. However, I find that there is not a whisper of an explanation as to why no effort was made to deposit the form within the prescribed date on or before the 5th September, 2007. The petitioner did not even deposit the form before the last date by which it could have been deposited with the late fee by the 29th October, 2007. It is an admitted position that the form has been tendered as late as on 10th December, 2007 which has been deposited with a forwarding letter by a senior official of the Government of India. In this background, the respondent cannot be faulted for rejecting the application form which was deposited way beyond the notified dates. The petitioner should have been vigilant and complied with the regulations and dates notified by the respondents and could have submitted a form strictly in accordance therewith. No discretion is conferred on the respondent to condone delay beyond the dates which they have notified.

In this background, I find no merit in this writ petition and application which are hereby dismissed.