
(2011) 12 PAT CK 0083
In the Patna High Court
Case No : CWJC No. 15428 of 2011

Sri Krishna Nandan Sah	Vs	APPELLANT
Union of India and Others		RESPONDENT

Date of Decision : 16-12-2011

Acts Referred:

Post Office Act, 1898 — Section 6

Citation : (2012) 3 PLJR 173

Hon'ble Judges : Navin Sinha, J

Bench : Single Bench

Advocate : Basant Kumar Tripathy, for the Appellant; Raghib Ahsan, for the Respondent

Final Decision : Dismissed

Judgement

Hon"ble Mr. Justice, Navin Sinha

1. Heard learned counsel for the petitioner and learned Additional Advocate General-I appearing on behalf of the Bihar Staff Selection Commission (hereinafter referred to as the Commission). The Commission published an advertisement inviting the applications for the post of Secretariat Assistants. The last date fixed for receipt of applications was 31.5.2011. The advertisement specified that the applications must be sent through registered post or speed post. The petitioner dispatched his application by speed post on 26.5.2011. It reached the Commission after 31.5.2011.

2. Learned counsel for the petitioner submits that if the respondents have prescribed the mode and the agency for transmission of the applications, no sooner that the petitioner complied the same by putting it in transmission by speed post through the Postal Department, the Department became the agent of the Commission and any delay by the Department in delivery to the Commission cannot visit him with the consequences. He has to be permitted to appear in the ensuing examination on the 18th of December, 2011. Reliance has been placed

on a Division Bench judgment reported in Md. Arif Khan Vs. The Bihar Public Service Commission and Others,

3. Learned counsel for the Commission opposing the application relies on another Division Bench judgment reported in 2010 (2) P.L.J.R. 1008 (Manas Kumar Sinha vs. Bihar Public Service Commission) which also notices the former. In both the judgments the conclusion is that in such situations the Postal Department is the agent of the Commission. But the judgement in the case of Manas Kumar Singh (supra) holds that u/s 6 of the Post Office Act exemption of liability attaches since the Principal was the State Government and not the Commission. That aspect did not come up for consideration in Md. Aarif Khan (supra).

4. The Bench remains bound by the decision in the case of Manas Kumar (supra). The writ application is dismissed.