

(2011) 05 UK CK 0096
In the Uttarakhand High Court
Case No : Writ Petition (S/B) No. 86 of 2011

Taran Kumar Rathi

APPELLANT

Vs

State of Uttarakhand, Public Service Commission, The
Superintendent Post Telegraph Office (EMS Speed Post)
Jaipur Counter, Rajasthan and The Superintendent Post
Telegraph Office (EMS Speed Post) Gurukul Kangari Centre,
Haridwar

RESPONDENT

Date of Decision : 05-05-2011

Acts Referred:

Citation : (2011) 05 UK CK 0096

Hon'ble Judges : Barin Ghosh, C.J.;Sudhanshu Dhulia, J

Bench : Division Bench

Judgement

Barin Ghosh, C.J.—Petitioner responded to an advertisement. The advertisement made it clear that the last date of submission of the response is 11th April, 2011. Petitioner sent his response to the advertisement by Speed Post on 6th April, 2011. Subsequent thereto the postal packet containing the response returned to the Petitioner with an endorsement that the addressee has refused to accept the postal packet on the ground that the same was tendered subsequent to 11th April, 2011. The advertisement nowhere states that the responsee is entitled to take the assistance of the postal department in reaching the response to the advertisement. Therefore, it was the Petitioner who engaged the postal authority as his agent for the purpose of reaching the said response. It is the agent of the Petitioner who failed to reach the response on time.

2. In the writ petition, the Petitioner is seeking a mandamus for acceptance of the said response. If we do so, we would be altering the public notification contained in the advertisement which we can not do. In the event for laches on the part of the postal authority the Petitioner has suffered, it shall be open to the Petitioner to take such recourse to law as he may be advised.

3. With the observation as above, the writ petition is disposed of.