

**(2019) 02 CHH CK 0368**

**Chhattisgarh High Court**

**Case No:** Writ Petition (S) No. 119 Of 2019

Sudhir Kumar Pandey And Ors

APPELLANT

Vs

South Eastern Coal Fields Ltd.

RESPONDENT

And Ors

**Date of Decision:** Feb. 20, 2019

**Hon'ble Judges:** P. Sam Koshy, J

**Bench:** Single Bench

**Advocate:** Vivek Sharma, H. B. Agrawal, Pankaj Agrawal

**Final Decision:** Disposed Of

**Judgement**

P. Sam Koshy, J

1. The challenge in the present writ petition is to the action on the part of the respondents in placing the name of the petitioners in the list of candidates

who have been declared in eligible to participate in the recruitment process on the ground that their applications were received after last date that is

15/10/2018. On the last date of hearing this Court had instructed the counsel for the respondent to seek specific instruction as to whether the

petitioners had applied on or before 11/10/2018 and secondly whether the applications filed by the petitioner had been forwarded to the concerned

authorities in time. The respondents have entered and submitted their reply on 11/02/2019 and in their reply there is a clear averment with Annexures

by the respondents which reveal that the petitioners in fact had submitted their application well within time and the said application also was duly

forwarded by the Office to the Head Quarters on 15/10/2018. It is to be taken note of that 15/10/2018 was the last date of applying for the said post

and 15/08/2018 is the date on which the office of Sohagpur forwarded, the same to the Head office which by itself means that the office at Sohagpur

already received application well within time and the submission of the application was permitted to be made even at Sohagpur Area.

2. Moreover, in the correspondence dated 15/10/2018 (Annexure R-4) it also reveals that the authorities at Sohagpur had furnished the soft copy of

the entire data by email to the Head Quarters on 15/10/2018 itself, that means there can be no dispute on the respondent having received the details of

the present petitioners well within time. In spite of this if the respondents reflected the name of the petitioners to be not eligible to participate on

account of their application having received after last date is incorrect and unjustified by the respondents which is not sustainable at all.

3. Without entering into the further merits of the case this Court is inclined to allow the petition at this juncture by quashing (Annexure P-1) to the

extent pertaining to the petitioners and (Annexure P-1) to the extent declaring the petitioners as not eligible stands set aside/ quashed. The respondents

are directed forth with to call upon the petitioners also to participate in the further selection process in accordance with the rules and procedure.

4. Accordingly the writ petition stands disposed off.