

(2014) 05 P&H CK 0511

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Writ Petition No. 10758 of 2014

Vipin

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision: May 28, 2014

Hon'ble Judges: Augustine George Masih, J

Bench: Single Bench

Advocate: Sunny Bhardwaj, Advocate for the Appellant

Final Decision: Dismissed

Judgement

Augustine George Masih, J.

Petitioner has approached this Court praying for issuance of a writ of certiorari to set-aside the order dated 02.05.2014 (Annexure P-5) passed by the Secretary, Haryana Public Service Commission rejecting his application on the ground that the same has been received after the closing date, i.e., 19.11.2012.

2. It is the contention of the counsel for the petitioner that the petitioner in pursuance to the advertisement No. 2 of 2012 applied for the post of Assistant Engineer (Group-B) in the Irrigation Department, Haryana. In pursuance to the said advertisement, petitioner sent his application form No. 17746 through registered post. The registry was sent on 09.11.2012 through the postal department. Petitioner had taken all due care and precaution that his application reaches the Secretary, Haryana Public Service Commission on or before 19.11.2012 which was the closing date for receipt of applications. The rejection of the application of the petitioner vide the impugned order dated 02.05.2014 on the ground that the application has been received after the closing date is not sustainable as there is no fault which is attributable to the petitioner and it was merely because of the postal delay that the application did not reach in time. Petitioner cannot be prejudiced in any manner for the action of the postal authorities.

3. This contention of the counsel for the petitioner cannot be accepted in the light of the Full Bench judgment of this Court in [Rahul Prabhakar Vs. Punjab Technical University and Others,](#) wherein it has been held that when the date or time has been stipulated in the advertisement, it must be strictly adhered to as otherwise it leads to uncertainty and would be an unending process. It is admitted fact that in the advertisement issued by the Haryana Public Service Commission, it was clearly mentioned that the application form must reach the Secretary, Haryana Public Service Commission on or before the close of office working hours on last date for receipt of application forms, i.e., 19.11.2012, failing which the same shall be rejected.

4. There are clear stipulations in the advertisement itself and, therefore, it was the responsibility of the petitioner to submit his application form or take such steps to ensure that the application should have reached the office of the Commission within the stipulated time and date. The rejection of the candidature of the petitioner through the order dated 02.05.2014 (Annexure P-5), thus, cannot be faulted as the same is in consonance with the conditions as has been specified in the advertisement and is also in consonance with the Full Bench decision of this Court passed in Rahul Prabhakar's case (supra).

5. In view of the above, finding no merit in the present writ petition, the same stands dismissed.