

Vipin Vs Union of India and Others

Court: High Court Of Punjab And Haryana At Chandigarh

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.