

**(2008) 07 PAT CK 0209**

**Patna High Court**

**Case No:** C.W.J.C. No. 704 of 2008

Prakash Ranjan

APPELLANT

Vs

Hon"ble High Court of Judicature  
at Patna

RESPONDENT

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**Date of Decision:** July 22, 2008

**Citation:** (2012) 132 FLR 1020

**Hon'ble Judges:** V.N. Sinha, J

**Bench:** Single Bench

**Advocate:** Veena Rani Prasad and Vishal Shaurav, for the Appellant; Lalit Kishore, for the Respondent

**Final Decision:** Dismissed

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### **Judgement**

V.N. Sinha, J.

Heard learned Counsel for the petitioner and the Counsel for the Hon"ble High Court.

Petitioner was an applicant for the post of Data Entry Operator in the High Court, Patna, which was notified vide Employment Notice No. 1 of 2003 in the Dainik Jagran newspaper Patna Edition dated 29.1.2003 as contained in Annexure-A to the counter-affidavit filed on behalf of the High Court. He was provided with admit card indicating Roll No. 602 under memo No. 8115 dated 23.5.2006 calling upon him to appear for interview to be held in the premises of the High Court at Patna on 16.7.2006 at 11 A.M. Before petitioner could appear in the interview on 16.7.2006, the interview was postponed and he was directed vide Memo No. 11052 dated 14.9.2007 as contained in Annexure-3 to this application to appear for the interview on 3rd December, 2007. Before petitioner could appear in the interview on 3.12.2007 under notice dated 6.11.2007 as published in the different newspapers i.e. Hindustan, Hindustan Times, Dainik Jagran and Times of India, all Patna Edition on 7.11.2007 his interview was preponed and fixed for 2.12.2007 in which he could not appear as on 7.11.2007 he was at Guahati where there is no circulation of the

different newspapers of Patna edition in which notice dated 7.11.2007 was published.

It is submitted on behalf of the petitioner that by repeated postponement/preponement of the interview petitioner could not appear in the interview held on 2.12.2007 as on that date he was at Guahati and he could not notice the advertisement published in the different newspapers in Patna since those newspapers are not in circulation at Guahati. It is also submitted on behalf of the petitioner that advertisement, Annexure-A would indicate that the notice for employment was issued to the citizen to India and citizen of India may be domicile in any part of India, as such, according to the petitioner notice to postpone/prepone the interview should have been published in newspapers with all India Circulation so that petitioner, who at the relevant time was at Guahati could have known that his interview has been preponed to 2.12.2007 from 3.12.2007. It is also submitted on behalf of the petitioner that the notice preponing the interview which was sent at his home address under certificate of posting, when never reached the petitioner and in these circumstances, the petitioner reported for interview on 3.12.2007 as was notified earlier should have been interviewed by the authorities but as the authorities have not chosen to interview him on 3.12.2007 on the earlier date fixed, the entire selection process should be annulled.

2. Counsel for the High Court with reference to the averments made in the counter-affidavit has submitted that against ten vacancies notified for appointment, 1062 applications were received, out of which, 651 including that of the petitioner was found in order and the applicants whose application was in order were sent interview letters asking them to appear for interview on the date fixed which had to be postponed/preponed considering the exigencies, which were beyond the control of the administration and the administration had no option but to postpone/prepone the date of interview which was always notified in the press so that all the eligible candidates who have been provided with admit cards may appear on the date fixed for their interview. Counsel for the High Court further submitted that against 651 admit cards issued, 353 candidates actually appeared for computer test, out of whom forty were selected for interview and ultimately ten were finally selected against the vacancy notified for appointment, who joined between 13.2.2008 to 22.2.2008.

3. Having heard Counsel for the parties, I am of the view that considering the exigency of the situation, it is the right of the employer to postpone/prepone the date of interview and appreciating the exigency if the authorities have chosen to postpone/prepone the date of interview then no fault can be found with such postponement/preponement of the date of interview as the date of interview was always notified in the press not in one newspaper but in several newspapers, of course Patna Edition since the applicants are resident of Bihar. Besides publishing the postponement/preponement notice in the press, the candidates were also

individually informed under certificate of posting about which there is a presumption that the delivery must have been made. In the circumstances, I am not inclined to interfere with the selection process which has already been concluded and the selectees have already joined the ten number of posts advertised for appointment of Data Entry Operator. This writ application is, accordingly dismissed.