

Allahabad High Court

Madhurima Singh vs State Of U.P. & Ors. on 5 July, 2010

Court No. - 18

Case :- WRIT - A No. - 38377 of 2010

Petitioner :- Madhurima Singh

Respondent :- State Of U.P. & Ors.

Petitioner Counsel :- Vishnu Prakash Srivastava

Respondent Counsel :- C.S.C.

Hon'ble Arun Tandon, J.

Heard learned counsel for the petitioner and learned Standing Counsel for the State-respondents.

On behalf of the petitioner, it is contended that as per the advertisement published for admission to Basic Teaching Certificate Course-2010, the only mode prescribed for submission of the application-form was by way of Registered Post/Speed Post. The last date of receipt of the application form mentioned in the advertisement is 8th June, 2010. It is stated that the petitioner has dispatched her application form by registered post on 7th June, 2010 and in normal course the application form should have been delivered in the office of respondent no. 3 on or before 8th June, 2010. Learned counsel for the petitioner submits that if any delay is caused by the post office, which in the facts of the present case has to be treated as the agent of respondents (because of mode and manner of submission of application form being confined through registered post/speed post only). Petitioner cannot be made to suffer.

In the facts of the present case, I am of the considered opinion that since the respondents themselves prescribed only one mode for submission of application form for admission to Basic Teaching Certificate Course-2010 i. e. Registered Post/Speed Post, any delay caused in delivery of the application form of the petitioner by the post office, cannot be to the disadvantage of the petitioner. Any condition in the advertisement to the contrary would be of no legal consequence.

Accordingly, the present writ petition is disposed of by providing that respondent no. 3 shall consider the application-form of the petitioner provided it had been dispatched by speed post/registered post on 07th June, 2010. For the purpose, petitioner is granted liberty to make a representation, before respondent no. 3 along with photo stat copy of the original receipt of the post office and a certified copy of this order within one week from today. The respondent no. 3 shall pass necessary orders and take all consequential action within two weeks thereafter.

Order Date :- 5.7.2010 Pkb/