

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

LPA No.303 of 2026

Decided on: 24.07.2026

Shareshta Devi

...Appellant

Versus

State of H.P. & Others

...Respondents

Coram

Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice

Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge

Whether approved for reporting?¹

For the appellant : Mr. Surinder Saklani, Advocate.

For the respondents : Ms. Swati Draik, Deputy
Advocate General, for the
respondents/State.

G.S. Sandhawalia, Chief Justice(Oral)

Consideration is sought of the impugned order passed by learned Single Judge in CWP No.2241 of 2019 titled as Shareshta Devi Vs State of H.P. and another dated 10.04.2026, whereby, the writ petition filed by the present appellant was dismissed by coming to the conclusion that the call letter, as such, for appearing for verification of documents had been received late by the private respondent and, therefore, the stamp of the postal authorities on the said call letter dated 11.03.2019 (Annexure R/6) carry presumption of

¹ *Whether the reporters of Local Papers may be allowed to see the judgment?*

regularity in terms of Section 114(e) of the erstwhile Evidence Act (now Section 119(e) of BSA).

2. The learned Single Judge had also held that mentioning of wrong date, i.e., 02.04.2019 in the representation made by the private respondent can easily be overlooked/ignored as a mere typographical error. In the representation dated 02.04.2019 filed by the private respondent to respondent No.2, it had been mentioned that he is resident of Bharmour area and had received the call letter on 02.04.2019 and, therefore, it was not possible for him to have been present on 30.03.2019 to submit his documents.

3. Resultantly, the learned Single Judge had placed reliance on the case titled as ***Seema Kumari Sharma Vs. State of H.P. and another (1998) 9 SCC 128***, wherein, the petitioner had claimed the benefit of belonging to IRDP family and the Apex Court has held that failure to furnish the certificate alongwith the application did not disentitle the petitioner to claim the status of IRDP for consideration of award of marks.

4. Counsel for the appellant accordingly argued that as per letter dated 11.03.2019 (Annexure P-3) even addressed to the appellant, verification of the original documents had been fixed for 30.03.2019 at 10:30 am and there was a specific clause that failure to appear before the Committee or

produce the original of any testimonial would lead to cancellation of the candidature and in no circumstances, any request for another date for verification of original documents shall be entertained. It was thus contended that it was a mandatory clause, as such and, therefore, the entertainment of the private respondent by the official respondent on 02.04.2019, which would be clear from Annexure P-4, was not justifiable. It is submitted that the present appellant and one Chaman Lal were present on 30.03.2019, as per their signatures mentioned on Annexure P-4 and it is clear that the private respondent had only put in appearance on 02.04.2019.

5. It is not disputed and also as noticed by the learned Single Judge that interviews for the post of Class-III and Class-IV had been done away with vide Government notifications dated 17.04.2017 and 25.04.2017. The shortlisted candidates, as such, had been called for. The petitioner and the private respondent belong to the Scheduled Tribe (BPL category). Private respondent had secured 51.01 marks in the process and the petitioner had secured 43.37 marks. It was in such circumstances, apparently, being higher in merit and having sufficient cause, as such, not to be present on the date, prevailed with the authorities, as per the reply filed by the State.

6. It is not disputed that Bharmour is situated at a distance of 400 kms. approximately from Shimla and district Chamba is one of the far flung districts of the Himachal Pradesh and in the hilly area, it is not possible to commute and reach also in a day at Shimla and rather the overnight journey would be the only manner in which the candidate could have put in appearance. There is specific stamp, as such, on the said call letter by the postal authorities that it was received on 01.04.2019 and it was in such circumstances, apparently, the private respondent had rushed to Shimla to be available on the very next date itself.

7. In ***Dolly Chhanda versus Chairman, JEE and others (2005) 9 SCC 779***, three Judge Bench of the Apex Court has held that it is not proper to apply any rigid principle as it pertains in the domain of procedure and in such circumstances had allowed the benefit, as such, of furnishing certificate of the reserved category, which had not been furnished at the first instance, to the appellant and it was for the examination of JEE-2003. Whereas no doubt there is sanctity of the cut of date provided that where there is a call letter for the date on which the documents have to be produced but it is not for the fault of the private respondent and it would be highly unfair to strictly comply with the rule of cut of date in the particular facts and circumstances.

8. In such circumstances, to knock out a more meritorious candidate only on account of the fact of the delay in the delivery of the call letter due to the distance and apparently for the fault of the postal department itself, which had taken its time to deliver the letter to the far flung area, the view taken by the learned Single Judge cannot be faulted with in any manner.

9. Resultantly, the appeal is dismissed. Pending miscellaneous application(s), if any, shall also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

July 24, 2026 (mamta)

(Jiya Lal Bhardwaj)
Judge