

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.29660 of 2017

D.Vignesh

.. Petitioner

-VS-

The Registrar,
Tamilnadu Agricultural University,
Coimbatore - 641 003

.. Respondent

Petition under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus by directing the respondent to accept the petitioner's application for the post of Junior Assistant cum Typist pursuant to the Advertisement No.R1 21499/2017 dated 27.09.2017.

For Petitioner :: Mr.M.Rajendran

For Respondent :: Mr.Abdul Saleem

O R D E R

The Writ Petition has been filed by the petitioner to direct the respondent to accept the petitioner's application for the post of Junior Assistant cum Typist pursuant to the Advertisement No.R1 21499/2017 dated 27.09.2017.

2. Learned counsel for the petitioner submitted that the Tamilnadu Agricultural University, Coimbatore issued an Advertisement No. R1 21499/2017 dated 27.09.2017 giving 34 days time to submit the applications, fixing the last date of submission of application as 31.10.2017 by 5.00 p.m., for the post of Junior Assistant cum Typist numbering 129 vacancies with the scale of pay of Rs.5,200 - R.20, 200/- He further submitted that the petitioner applied for the post on 30.10.2017 at 15.42 hrs and the same was sent to NSH Coimbatore on 31.10.2017 at 12.37 hrs. When the parcel with application itself was received at Coimbatore office at 12.37 hrs on 31.10.2017, it was delivered at the post office of Tamilnadu Agricultural University, Coimbatore on 01.11.2017, by that time, the deadline fixed for submission of application was over.

3. Adding further, by placing on record the copy of consignment note showing the booking time made by the petitioner and the time of receipt of office bag by the NSH Coimbatore office at 12.37 on 31.10.2017, counsel for the petitioner submitted that the delay has been occurred by the postal department. He further contended that although it was delivered at Coimbatore Post office on the last date of submission of application, i.e., 31.10.2017 at 12.37 hrs, they have not delivered it on the same day and it reached only on 01.11.2017, therefore, the petitioner cannot be held responsible for the delay, he pleaded.

4. Per contra, learned counsel for the respondent submitted that when more than one month time was given to the petitioner to apply for the said post, fixing the last date of application at 5.00 p.m. on 31.10.2017, the petitioner cannot apply at the eleventh hour and take the risk, hence prays to dismiss the petition.

5. I find merits on the submission of the learned counsel for the petitioner. The reason being, admittedly, the petitioner has sent his application only on 30.10.2017 at 15.42 hrs and the same was received by the Coimbatore Post Office at 12.37 hrs on 31.10.2017, which was the last date for receipt of application. In all fairness, the Coimbatore Post Office could have delivered the same on the very same day, since the office of the Tamilnadu Agricultural University is also located in the city. Therefore, the delay stated above has been caused only by the postal department, for which the petitioner cannot be held responsible. Moreover, since the date of written examination has not been announced, this Court hereby directs the respondent to receive the application and proceed further. However, it is open to the respondent to decide the application of the petitioner, if it is in order.

Accordingly, this Writ Petition is allowed. No costs.

Sd/-
Assistant Registrar (CS V)

//True Copy//

Sub Assistant Registrar

ssd

To

The Registrar,
Tamilnadu Agricultural University,
Coimbatore - 641 003

+1 cc to M/s.M.Rajendiran Advocate sr 83918
+1 cc to Mr.Abdul Salem Advocate sr 83888

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