

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

106+255

CM-15503-CWP-2017 in/and

CWP No.22228 of 2017

Date of decision: 03.11.2017

Dr. Jayanta Samanta

....Petitioner

Versus

Director, PGI, Chandigarh & others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.Sandeep Kotla, Advocate, for the applicant/petitioner.

Mr.Amit Jhanji, Advocate, for respondents No.1 & 2.

G.S. SANDHAWALIA, J. (Oral)

CM-15503-CWP-2017

Application for placing on record reply to the written statement, filed by respondents No.1 & 2, along with Annexure P-5, is allowed. Same are taken on record, subject to just exceptions. Office to tag the same at appropriate place.

CM stands disposed of.

CWP-22228-2017

Petitioner seeks direction for consideration of the application form to the post of Assistant Professor of Gastroenterology (Neuro and Community), advertised on 19.07.2017 (Annexure P-1).

It is the case of the petitioner that he had applied for the post at Sr.No.5(i)-Gastroenterology (Neuro) and 5(ii) Gastroenterology (Community), vide separate applications. The said application forms were sent on 22.08.2017, well before the last date which was 25.08.2017. The same was delivered on 26.08.2017, one day after the last date of submission of forms. It is his case that on account of delay due to the agitation in the Tri-city, concerning the issue of Baba Ram Rahim, delivery was delayed and therefore, the respondents should act upon his representation dated 29.08.2017 (Annexure P-4) and condone the delay in submission of the forms.

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In the written statement filed by respondents No.1 & 2, it is submitted that 139 applications were received against the said advertisement, which were for various faculty posts, out of which, 92 were received between 22.08.2017 to 25.08.2017. It is clarified that there was no curfew on the said date in Chandigarh. Reliance is placed upon Clause 12 of the advertisement that applications received after the due date were not liable to be accepted, which could be sent through registered/speed posts. It was further clarified that 15 applications were received after the due date and all were rejected by the respondent-Institute. It is further mentioned that hard-copies of the applications could be sent from 19.07.2017 to 25.08.2017 and enough time had been given, as such.

Counsel for the petitioner has vehemently submitted that in view of the peculiar law and order situation prevailing, in the tricity, the benefit of relaxation should be granted and on account of the postal delays, petitioner could not be prejudiced.

A perusal of Anneuxre P-5 would go on to show that it is an online tracking record of the Postal Department that the consignment was at Kolkata on 23.08.2017 and had reached Chandigarh only on 25.08.2017 at NSH, Chandigarh. Therefore, it is apparent that even the delay was en-route before reaching Chandigarh and was not on account of the agitation, as such, that the delivery was not effected within the time-frame and was only made on 26.08.2017.

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Even otherwise, the Full Bench of this Court in **Rahul Prabhakar Vs. Punjab Technical University & others 1997 (3) SCT 526 (P&H)** has held that the postal office is a branch of the public services and the entrustment does not give any rise to a contractual relationship between the sender and the post-office. The time and date of the receipt of the application in the prospectus and brochure has to be strictly adhered to and it cannot be held that it was an entrustment, as such, to the person to whom the article was entrusted. It was further held that making selections for admissions to educational institutions cannot be subject to the vagaries of the postal services, as it would lead to indefinite and obscure situations where finality at the earliest is desirable in public interest. The Coordinator was not obliged and was not under duty in law to entertain such a belated application and consider the claims of such a candidate along with the other applications which were delivered within time. Reliance has also been placed by Mr.Jhanji upon the judgment rendered in **Baljit Singh Vs. State of Haryana & others 2014 (2) SCT 547**, which has followed the said view.

Resultantly, keeping in view the settled proposition that sacrosanctity has to be given to the cut-off date, it is not possible to grant any benefit to the petitioner. Consequently, the present writ petition is, hereby, dismissed.

03.11.2017
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No