

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.2725 OF 2012**

Satish Kumar Soni S/o Shri Panchram Soni, aged about 40 years, R/o Bairagpara, Ward No.11, Panddaria, Distt. Kabirdham (CG).

...Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Panchyat Department Dau Kalyan Singh Bhawan, Raipur (CG).
2. Janpad Panchayat, Korba, through the Chief Executive Officer, District Korba (CG).
3. Vishnu, Shiksha Karmi Grade-III, Govt. Primary School, Taulipali, District Korba (CG) R/o Quarter No.B/1228, Krishna Vihar, NTPC Jamnipali, Korba (CG).
4. Chhattisgarh Professional Examination Board, Raipur (CG).

... Respondent(s)

For Petitioner	:	Shri Prateek Sharma and Shri Tridibh Bhattacharya, Advocates.
For Respondent-State	:	Shri Arvind Dubey, Panel Lawyer.
For Respondent No.2	:	Shri AS Kachhwaha and Shri BL Sahu, Advocates.
For Respondent No.3	:	Shri Curtis Collins, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20.09.2018

1. The petitioner participated in the recruitment process for the post of Shiksha Karmi Grade-III initiated by the respondents. He also participated in the written examination and clearing the written examination he was waiting an intimation for the counseling for further selection process.
2. According to the petitioner, the respondents though had dispatched the letter for counseling, but he received the same at a belated stage and therefore he was deprived of his right for consideration as candidate. The authorities concerned had dispatched the letter on 31.01.2011 and the counseling date was fixed on 04.02.2011 which was too short a period within which the intimation could not have been received by post to the the petitioner at his postal address. The petitioner further submits that the said letter for counseling has been received by the petitioner only on 08.02.2011 by which time the counseling had already been concluded.

The petitioner was not at fault for non appearance in counseling and it was bonafide lapse on the part of the respondents in not issuing postal intimation in time so that it reaches to the candidates well within time. Therefore, the petitioner is also entitled to be considered for the said selection process.

3. The counsel for the respondents submits that it is a case where apart from dispatching the letter for counseling sent by post on 31.01.2011, there was also a paper publication made in respect of the counseling date to be on 04.02.2011 and the publication was made in daily news paper Nav Bharat which has wide circulation over the area. The publication was made on 01.02.2011 and there was sufficient time for the persons who have learnt of the counseling through paper publication. Once when paper publication part has already been done, it would show the bonafide on the part of respondents in ensuring that necessary caution has been kept in mind in giving intimation to all the candidates concerned. Thus, the writ petition does not warrant any interference.
4. Considering the entire facts and circumstances of the case, the only grievance of the petitioner appears to be that there has been a postal delay in receiving the intimation so far as counseling is concerned.
5. It was the contention of the petitioner that had the respondents been cautious enough of sending intimation in time, he could have got counseling letter well within time. This contention of the petitioner may not be acceptable for the reason that the authorities concerned had also taken note of the fact that an intimation is also given in daily news paper having wide circulation over the area and the object behind paper publication is always in case if there is delay in respect of receiving intimation by post, the intimation should be accepted from the news paper and the concerned candidate thereby could have reported for counseling.

6. If for any reason the petitioner has not read the news paper or has not got information from the news paper publication that by itself cannot attribute malafide or arbitrariness on the part of the respondents. The facts the respondents had taken all necessary caution in giving intimation to the concerned candidates by issuing letter by post on 31.01.2011 and at the same time making paper publication on 01.02.2011 in daily news paper Nav Bharat establishes bonafide on the part of respondents.
7. Given the aforesaid facts, this court does not find any strong case made out by the petitioner calling for an interference with the recruitment process. The writ petition fails and accordingly stands rejected.

Sd/-
(P. Sam Koshy
Judge