



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2018

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD) No.13439 of 2018andW.M.P.(MD)No.12251 of 2018

Rosy Velankanni

... Petitioner

-vs-

1.The Deputy Commissioner,
(Full Additional charge) / The Secretary,
Arulmighu Palani Andavar College
of Arts and Culture,
Tamil Nadu Government Aided College,
Affiliated with Madurai Kamaraj University,
Dindigul Road, Palani - 624 601,
Dindigul District.

2.The Joint Commissioner / Executive Officer /
Correspondent,
Arulmighu Palani Andavar College
of Arts and Culture,
Tamil Nadu Government Aided College,
Affiliated with Madurai Kamaraj University,
Dindigul Road, Palani - 624 601,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a WRIT OF MANDAMUS directing the respondents to consider and to pass appropriate orders on the Application dated 31.05.2017 submitted for the post of Lab Assistant pursuant to the notification issued by the 1st respondent and published the same in the Tamil Daily Dina Thanthi dated 29.04.2017.

For Petitioner : Mr.A.Saravanan
For Respondents : Mr.K.Govindarajan

O R D E R

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondents to consider and pass orders on the application dated 31.05.2017, submitted for the post of Lab Assistant pursuant to the notification issued by the first respondent which was published in the Tamil Daily "Dina Thanthi" dated 29.04.2017.



2. Heard Mr.A.Saravanan, learned Counsel appearing for the petitioner as well as Mr.K.Govindarajan, learned Standing Counsel, who takes notice for the respondents College.

3. The respondents College, by notification dated 29.04.2017 invited applications to fill up the posts of Typist, Record Clerk and Lab Assistant within the respondents College. Pursuant to which, it is the claim of the petitioner that she had applied for the post of Lab Assistant. Even though, interview letters had been sent to various candidates, the petitioner had not received any interview letter for the interview, which was conducted some time in March'2018. Therefore, on 10.03.2018, the petitioner had made a request to that effect, however, since nothing was forthcoming from the respondents, the petitioner is before this Court.

4. Mr.K.Govindarajan, learned Standing Counsel, on instructions, would submit that as per the notification dated 29.04.2017, applications were invited from eligible candidates to fill up those three posts at the respondents College, on or before 31.05.2017 @ 5.00 PM. In this regard, the learned Standing Counsel for the respondents would rely upon the following clause in the notification dated 29.04.2017:-

“விண்ணப்பம் வந்து சேர வேண்டிய கடைசி நாள் 31.05.2017 மாலை 05.00 மணி வரை.”

5. In this regard, the learned Standing Counsel would submit that the petitioner sent her application dated 31.05.2017, only on 31.05.2017 by registered post, from Dindigul District and in this regard, the postal receipt affixed in the cover sent by the petitioner has been produced before this Court through a soft copy.

6. By relying upon the same, the learned Standing Counsel would submit that since the application itself, admittedly, was sent only on 31.05.2017 by the petitioner, there is no scope for submitting any application to the respondents on or before 05.00 pm of 31.05.2017, as, by that time, the respondents closed the receipt of application and for all eligible candidates, interview letters / call letters were issued and accordingly, selection process went on.

7. I have heard the said submissions made by both sides and perused the records carefully.

8. Admittedly, the application dated 31.05.2017 of the petitioner was sent only on 31.05.2017 by registered post and it was from Dindigul District. Assuming that the application would have reached the respondents on the next day, ie., on 01.06.2017, certainly it is not within the last date and time prescribed under the notification, ie., 31.05.2017 @ 05.00 pm and therefore, it cannot be construed that the said application was submitted to the respondents in time.



9. Since the petitioner's application was not submitted to the respondents in time, the respondents did not have any occasion to consider the application of the petitioner and therefore, there is no ground to say for any non-consideration of the petitioner's application in this regard, as claimed by the petitioner.

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10. Law is well settled in this regard that when a cut off date is given in the notification given by the selection authority / employer / recruitment agency, that date and time shall be scrupulously followed by both sides and, if at all, the applicants made applications within the time, then they have a right to claim that their applications shall be considered. Here, in the case on hand, admittedly, the application was not filed in time and therefore, the petitioner cannot have any right to seek consideration of her application and she can not expect any action from the respondents in this regard.

11. In that view of the matter, this Court is of the considered view that the petitioner cannot seek any indulgence from this Court to interfere in this matter as the petitioner, admittedly, has not filed the application in time.

12. Hence, the writ petition fails and accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

+1cc to M/S.A.Saravanan, Advocate SR.No. 69554

+1cc to M/S.K.Govindarajan, Advocate SR.No. 70110

W.P. (MD) No.13439 of 2018
25.06.2018

gk

JM/SV/SAR 1/17.07.2018/3P/3C