

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3426 of 2020**

- Ku. Meenakshi Manjhi D/o Late Shri Hari Singh Manjhi Aged About 37 Years By Caste - Schedule Tribe R/o M.I.G.-li/21, Sector 03, Pandit Deendayal Upadhaya Nagar, Raipur Tahsil And District - Raipur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Law And Legislative Affairs, Mahanadi Bhavan, Naya Raipur District Raipur Chhattisgarh.
2. Chhattisgarh Public Service Commission Through Its Chairman, Shankar Nagar, Bhagat Singh Chowk, Raipur, District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. J.A. Lohani, Advocate
For State	:	Mr. Amrito Das, Addl. A.G.
For Respondent No. 2	:	Mr. Ashish Shrivastava, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order****04.09.2020**

1. Heard
2. The grievance of the petitioner in the present writ petition is that the petitioner succeeded in the preliminary examination for the post of Civil Judge and thereafter she had to fill up the form for the main examination of Civil Judge (Entry-Level) Main Exam-2019. According to the respondent No. 2 i.e. Chhattisgarh Public Service Commission, the examination form was to be submitted

from 25.06.2020 to 04.07.2020. it is contended on behalf of the petitioner that the petitioner is a resident of Pandit Deendayal Upadhyaya Nagar, Tehsil and District Raipur and because of the Corona pandemic situation, certain guidelines were issued by the State on 25.06.2020 and unfortunately on 27.06.2020 the area wherein the petitioner resides was declared as a containment 'Red-Zone' which too was further extended by further direction in respect of the Pandit Deendayal Upadhyaya Nagar on 03.07.2020. It is stated that in the containment 'Red-Zone' nobody was allowed to come out of the house and as such, the customer service centers wherefrom the petitioner could have filled the examination form were also closed. The petitioner consequent thereof could not submit her form within the time frame i.e. from 25.06.2020 to 04.07.2020. It is further submitted that the petitioner may be allowed to fill up the on-line form for the examination of the Civil Judge (Entry-Level) Main Exam-2019.

- 3.** Learned counsel for the respondent No. 2 on instructions submits that the petitioner appears to be negligent in filling up the examination form and the documents which have been placed before this Court do not establish the fact that the petitioner herself was restrained to deposit the form as the containment 'Red-Zone' are within a particular periphery. He further submits that according to the instructions of the Public Service

Commission, hundreds of the form of like nature are pending therefore filling of the examination form cannot be allowed.

4. Perused the documents.

5. Perusal of the documents filed along with the writ petition shows that the petitioner succeeded in the preliminary exam for the Civil Judge (Entry-Level) Main Exam-2019. According to a notification dated 25.06.2020 (Annexure P/3), the on-line application was to be submitted from 25.06.2020 to 04.07.2020 and the correction in the application were to be done from 07.07.2020 to 08.07.2020. In the cause title of the writ petition, the address of the petitioner is shown to be the resident of Pandit Deendayal Upadhyaya Nagar, Raipur the document filed along with the writ petition Annexure P/1 shows that certain guideline was issued by the State of Chhattisgarh and the Ministry of Home Affairs under the Disaster Management Act 2005 wherein certain human activities were arrested and only limited acts were permitted/controlled. The document dated 27.06.2020 shows that in Pandit Deendayal Upadhyaya Nagar one Covid patient was found and the same was declared as a containment 'Red-Zone'. The periphery also shows that Pandit Deendayal Upadhyaya Nagar has been declared as a containment 'Red-Zone'. Likewise another direction of 03.07.2020, Pandit Deendayal Upadhyaya Nagar was again declared as containment zone which purports that except the medical emergency people would not be allowed

to come out of the containment zone.

6. Taking into the unprecedented and unnatural circumstances which prevailed and the documents *prima facie* shows that the Deendayal Upadhyaya Nagar was under the containment 'Red-Zone' the submission of the petitioner needs to be appreciated by giving the benefit of doubt to her. It is projected in the writ petition that she was unable to fill up the form because of the fact she fell within the periphery of the containment 'Red-Zone' and was almost under home arrest. The presumption to draw an inference that the petitioner was equipped with electronic gadgets cannot be drawn. The submission of the petitioner that in normal circumstances she would have filled the form with the help of customer service centre cannot be shelved and the benefit would loom in her favour. It is also obvious that the act of the State and the Court shall not be to the prejudice of some individual and especially taking into the documents and situation as prevailed during pandemic, instead to allow the technologies to have upper hand and give the human conduct a back seat, it is directed that the petitioner shall be allowed to fill up the form for the mains examination physically as the date of on-line application stands closed. The petitioner shall submit her exam form along with the copy of this order by Saturday i.e. tomorrow and the respondent No. 2 thereafter shall allow the filling of the exam form of the Civil Judge (Entry-Level) Main Exam-2019 to the petitioner.

7. With the aforesaid direction/ observation, the writ petition stands disposed off.

8. Certified copy today.

Sd/-

(Goutam Bhaduri)
Judge

Vishakha