

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (SERVICE) NO. 3357 OF 2021**

Shatruhan Prasad Bareth, S/o Mohit Ram Bareth, Caste- Dhobhi, aged about 37 years, R/o Village Khokhra, Adarsh Nagar, Police Station and Tahsil-Janjgir, District Janjgir-Champa (CG) ... **Petitioner**

versus

1. Indira Gandhi Krishi Vishwavidyalaya, through- Vice Chancellor, Krishak Nagar, Raipur, District Raipur (CG)
2. Indira Gandhi Krishi Kendra, through- Senior Scientist & Head, District Janjgir-Champa (CG) ... **Respondents**

For Petitioner : Ms. Reena Singh, Advocate.

For Respondents : Mr. Shashank Thakur, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****07/07/2021**

1. Aggrieved by the action on the part of Respondents in refusing to accept the application form of Petitioner for his candidature for the post of Driver on contractual basis, the present Writ Petition has been filed by Petitioner.
2. The whole issue arises out of an Advertisement that was published on 9.4.2021 for appointment on various posts on contractual basis including that of Vehicle Driver. Petitioner happens to be a daily wage employee already engaged under the Respondents. In the original Advertisement that was published on 9.4.2021 the last date for submission of application form was 9.5.2021. However, realizing the difficulties that candidates would be facing on account of lockdown that was clamped by the State Government and the District Administration, the Respondents extended the period of submission of application form and so the last date was extended upto 9.6.2021.
3. In the instant case, the Petitioner is said to have sent his application through the Speed Post in the second half of 9.6.2021 and the said post was received by the Respondents only on the following date *that is* on 10.6.2021 and since the said application was received beyond the last date prescribed, the same was not accepted by the Respondents.

4. Ms. Reena Singh, learned Counsel for Petitioner, submits that because of the effect of the lockdown firstly the Banks were not functioning for the whole day and secondly, only urgent transactions were being entertained by the Bank officials and therefore the bank draft could not be obtain within time and the Petitioner ultimately could get the bank draft only on 9.6.2021 and therefore the Respondents should be directed to accept the application of Petitioner and they should not have rejected his candidature on this ground. She further submits that the Respondent authorities should also consider the fact that the Petitioner is working as a daily wage employee under the Respondent establishment and therefore he should be given some preferential treatment.
5. Mr. Shashank Thakur, learned Counsel for Respondents, on the other hand, submits that the Advertisement was issued on 9.4.2021 with a last date for submission of application form being 9.5.2021. Realizing the difficulties that candidates would be facing because of the pandemic situation prevailing at the relevant point of time, the last date for submission of application was extended upto 9.6.2021. He further submits that the Advertisement was issued for filling up of various posts and there have been a large number of candidates who could get bank drafts well in advance and also applied for the respective post well in advance and their applications have been reached on time and accepted by the Authorities.
6. According to learned Counsel for Respondents, there was a specific deadline given that the application form should reach the office of the Respondents by 5pm on 9.6.2021 which by itself means that any application received subsequent to that would not be acceptable. He also submits that in case the application form of the Petitioner is accepted then there would be a large number of other similarly placed persons whom applications would also have

to be entertained and that would become a never ending saga and that is why a deadline is always set.

7. Having heard the contentions put forth on either side and on perusal of record, taking into consideration the factual aspects as narrated in the preceding paragraphs, there can be no doubt on the aspect that when a deadline is prescribed by the Authorities for entertaining the applications, all endeavors must be made in ensuring that those applications are reached before the Authorities well before the deadline is over. It is not a case where only a short period of time was granted to the candidates. The last date for submissions of application form at the first instance was of 30 days which further was extended for another 30 days. This by itself means that the candidates who were interested had around 60 days time at their disposal for submitting their application forms duly filled in. A person who does not take necessary steps in ensuring that his application reaches the concerned Department within the stipulated period and wakes up from slumber at last hour and submits his application through the Speed Post that too in the second half of 9.6.2021 when the last date and time prescribed is 5pm on 9.6.2021, the Respondents cannot be blamed if they refuse to entertain the application which they receive after the deadline is over. In the instant case, it is reflected that the Petitioner had obtained the bank draft required for submission of application form only on 9.6.2021. Thus, the action on the part of Respondents cannot be in any manner held to be arbitrary or malafide.

8. The law in this regard also is by now well settled wherein it has been time and again held by the Hon'ble Supreme Court as also by the various High Courts that when it is required to fill up application form on or before the last date and the time prescribed, it is expected that all applicants interested should fill up their form and all steps should be taken ensuring that it reaches the office of

the concerned Authorities before the deadline is over. Any deviation from the said position or relaxation shown in favour of such person would on the other hand be arbitrary as it could be hit by the principles laid down under Article 14 of the Constitution of India inasmuch as there would be many other candidates who must have for various reasons and in some cases even genuine reasons must not have been able to fill up their application form and submit the same within the stipulated time.

9. Given the said facts, this Court is of the view that no strong case has been out by Petitioner calling for interference or for issuance of appropriate direction to Respondents.
10. Writ Petition sans merit and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
JUDGE

sharad