

12.07.2022
DL-15
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 10067 of 2022

Susanta Das
Vs.
Punjab National Bank & Ors.

Mr. Ram Krishna Roy
.....for the petitioner.

Ms. Parna Ray Choudhury
.....for the respondent Bank.

On 6th July, 2022 when the matter was heard
the following were stated by the parties:-

“An advertisement for recruitment of Part Time Sweeper in the Subordinate Cadre was published by Punjab National Bank (in short “PNB”) on 6th December, 2021. In the said advertisement, it was categorically stated that a complete application along with requisite documents shall have to reach the concerned office of PNB by 5.00 p.m. on 24th December, 2021. The mode of delivery of the filled in application form under the said advertisement was through Speed Post. The petitioner posted the application on 20th December, 2021. The said application reached the concerned office of PNB on 27th December, 2021. Since the application was received by PNB beyond the last date prescribed in the advertisement, PNB has not considered the petitioner’s application. The petitioner is aggrieved by such act on the ground that the delay has been caused by the postal authorities and, as such, the petitioner should not

be made to suffer for the same. The petitioner has made a representation on 25th May, 2022, stating the fact of delay as also the reasons for the same. The petitioner has all along blamed the postal authorities for the delay.

The petitioner has relied upon a judgment reported in (2015) 13 SCC 438 (Vrinda Pareek (Minor) Through Guardian v. Union of India & Ors.) in support of his contention that for the delay on the part of the postal authorities, the petitioner cannot be made to suffer.

On behalf of PNB, it is submitted that the advertisement categorically stipulated a cut off date and time. It was also specifically mentioned in the advertisement that the applications received after the cut off date and time shall not be considered. PNB says that since the petitioner's application admittedly reached beyond 24th December, 2021, PNB was not required to consider the same in view of the terms and conditions stipulated in the advertisement."

After hearing the parties, it appears to this Court that there is no dispute that the application was despatched on 20th December, 2021 as will appear from the postal receipt annexed at page 20 of the writ petition. 20th December, 2021 was a Monday and, as such, there was four clear days between the date of despatch and the cut off date. The petitioner cannot, therefor, be blamed for having caused delay in despatching the application. At the same time, the petitioner had made representation to the concerned

Bank after about six months from the last date of submission of the application form. The writ petition has been filed on 8th June, 2022. The petitioner, according to me, has failed to approach this Court immediately after coming to know about his application having reached PNB on 27th December, 2021 instead of 24th December, 2021 to seek the reliefs which disentitle him to get an immediate relief.

In the aforesaid facts and circumstances, the matter was adjourned to ascertain the present stage of the recruitment process under the subject advertisement.

On behalf of PNB, it is submitted that the selection/recruitment process has been completed on 1st June, 2022, prior to filing of the writ petition, the writ petition being filed on 8th June, 2022.

Although there had been a representation on 25th May, 2022 from the side of the petitioner to PNB, which is prior to completion of the entire selection process, but no relief in this writ petition can be granted to the petitioner even though the petitioner is not responsible for the delay in delivery of his application to the bank because he has approached this Court after six months and by that time the entire selection process has been completed.

If there is no vacancy left to be filled up, it will be of academic interest to proceed with the writ petition

further as no fruitful purpose will be served if the petitioner is successful in the writ petition.

The writ petition is accordingly disposed of recording the submissions made on behalf of PNB as to the completion of the entire recruitment/selection process and filling up the vacancies declared thereunder.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)