

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.20471 of 2014**

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Punam Devi W/o Sri Kant Mishra, Resident of Village - Mohnadih, P.O. - Sanda, via- Guru Bazar, P.S. - Barari, District - Katihar.

... .. Petitioner/s

Versus

1. The Bihar Agricultural University, Sabour Bhagalpur through its Registrar
2. The Vice - Chancellor, Bihar Agricultural University, Sabour, Bhagalpur.
3. The Registrar, Bihar Agricultural University, Sabour, Bhagalpur.
4. The Controllor of Examination, Bihar Agricultural University, Sabour, Bhagalpur. null null
5. The Incharge - Officer Appointment, Bihar Agricultural University, Sabour Bhagalpur.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Onkar Kumar, Advocate  
For the Respondent/s : Mr. Rajendra Lal Das, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

6      06-11-2023                      1. Heard learned counsel for the petitioner and learned counsel for the respondent-Bihar Agricultural University.

2. The petitioner has filed the instant application for directing the respondents to conduct the interview of the petitioner to the post of Gardener (*mali*) in the Bihar Agricultural University Sabour, Bhagalpur against Advertisement no.3 of 2011 and to appoint her.

3. The case of the petitioner in brief is that the respondent university coming out with Advertisement no.3 of 2011 for appointment on the post of Gardener. The petitioner having all the requisite qualifications made an application in the



general category for female. By letter dated 4.10.2014 issued under the signature of the respondent no.5, the petitioner was called for interview which was scheduled to be held on 22.10.2014, However, as the said letter was received by the petitioner a week after the scheduled date on 30.10.2014, for no fault of the petitioner, she could not appear on the date of the interview.

4. Learned counsel for the respondent-University submits that so far as the University is concerned, after signature of the authority concerned on 4.10.2014, the letter calling the petitioner for interview was dispatched through registered post vide receipt no.1764 dated 9.10.2014 itself and the copy of the same has been brought on record as Annexure-A to the counter affidavit. The University cannot be held responsible in any manner for the delay in service/communication of the letter calling the petitioner for interview.

5. Having heard learned counsel for the parties and taking into consideration the material on record, the facts not indispute are that by letter dated 4.10.2014 (Annexure-2), the petitioner was called to appear in interview on 22.10.2014. It is also not indispute that the said letter calling the petitioner for



interview was dispatched by registered post on 9.10.2014 vide receipt no. 1764 as per the uncontroverted statement made in paragraph-14 of the counter affidavit of the respondents. In addition to the fact that the University cannot be held responsible for delay in communication of the letter calling the petitioner for interview, neither the postal department has been made party respondent in the instant application nor have any of the selected candidates in the petitioner's category have been made respondents herein. In the facts of the case, the petitioner may now be entitled only for damages, which will have to be obtained by the petitioner by filing an appropriate case/suit in the learned trial Court.

6. The Court finds no merit in the instant application and the same is dismissed.

**(Partha Sarthy, J)**

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