

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9609 of 2024

Dr. Rajeev Kumar, Son of Dr. Janak Prasad, Resident of Mohallah Barki Delha, Paraya Road, Near Sanjay Memorial Evening College, Near Delha Post Office, P.S. Delha, District-Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar, Patna
2. The Principal Secretary Department of Education (Higher) Govt. of Bihar Patna
3. The Bihar State University Service Commission through the Secretary
4. The Chairman, Bihar State University Service Commission, having its office 8th floor Bihar School Examination Samittee Acadmic Bhawan, Budha Marge Patna-800001
5. The Secretary, Bihar State University Service Commission, having its office 8th floor Bihar School Examination Samittee Acadmic Bhawan, Budha Marge Patna-800001

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Sinha, Sr. Advocate Mr. Virendra Prasad, Advocate
For R. Nos. 3-5	:	Mr. Tuhin Shankar, Advocate Mr. Binod Jee Verma, Advocate Mr. Tej Pratap Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 10-09-2024

Heard learned counsel for the parties.

2. The petitioner by means of this writ petition, has challenged the important notice dated 15.05.2024, (Annexure-P/15), issued by the Bihar State University Service Commission (hereinafter referred to as “the Commission”), whereby candidature of the petitioner for the post of Assistant Professor (Chemistry), pursuant to advertisement dated 21.09.2020, issued by the Commission, has been rejected on the ground that the



hard copy of the application submitted along with the required documents have not been received by the Commission within the last date prescribed in the advertisement.

3. The Commission had issued Advertisement dated 21.09.2020, inviting online application for filling up various posts of Assistant Professors for different subjects including Chemistry subject in the different universities and constituent colleges in the state of Bihar. The last date of submission of online application in prescribed format was 02.11.2020 till 5 P.M. Apart from submission of online application in prescribed format, Clause 11.1 of the advertisement provided that the candidates will download the conclusively filled online application form from the dash board and hard copy of the downloaded online application be submitted through registered/speed post only so as to reach the Commission office on or before 24.11.2020 till 5 P.M.

4. The petitioner did not submit his online application form till the last date of submission of online application form as prescribed in the advertisement dated 21.09.2020.

5. Thereafter, the Commission has extended the last date of submission of online application as well as the hard copy of the filled application form by 10.12.2020 and 30.12.2020,



respectively. Pursuant to extension of the last date of submission of online application as well as hard copy of the filled application form, the petitioner submitted his online application on 09.12.2020. Thereafter the petitioner sent the hard copy along with other required documents through speed/registered post on 21.12.2020, a copy of the postal receipt has been annexed as Annexure-P/4 in the writ petition.

6. Since the petitioner had sent hard copy of the downloaded online filled application form along with the required documents by speed post on 21.12.2020, it is the case of the petitioner that the Commission must have received hard copy of the downloaded online filled application form sent by speed post on 21.12.2020 from Gaya post office, before the last date of submission of hard copy, i.e., 30.12.2020.

7. The Commission has filed a counter affidavit, wherein it has been stated that the hard copy of the downloaded online filled application form along with the required documents sent by the petitioner by Registered/Speed post, was received by the Commission on 1st of January, 2021. The Commission, in the counter affidavit, has also enclosed the photo copy of the envelop sent by the petitioner, wherein, by putting a seal of the office of the Commission on the envelop, the date of receipt of



the registered parcel sent by the petitioner has been indicated as 1st of January, 2021.

8. The petitioner has not produced any evidence to show that the hard copy of the downloaded online filled application form of the petitioner along with the required documents sent through registered/speed post from Gaya was actually delivered in the office of the Commission on or before 30th of December, 2020, which was the last date for submission of the hard copy of the downloaded online filled application form along with the required documents.

9. Under the circumstances, on the basis of the materials placed before this Court, this Court has no basis to record a finding that the registered/speed post sent by the petitioner on 21.12.2020 from Gaya post office was actually delivered in the office of the Commission on or before 30.12.2020.

10. In that view of the matter, since it being the settled position of law that the application submitted beyond the last date prescribed in the advertisement or extended time, cannot be accepted by the recruitment agency, the Commission in the instant case, I find no illegality in the decision of the Commission to reject the candidature of the petitioner by the



impugned important notice dated 15.05.2024, (Annexure-P/15), issued by the Commission for non-submission of the downloaded hard copy of the filled application form along with required documents on or before the last date prescribed in the advertisement dated 21.09.2020 and the subsequent extension thereof.

11. Under the circumstances, no relief sought for by the petitioner can be granted in the facts of the present case and the instant writ petition is, accordingly, dismissed being devoid of merit.

(Nani Tagia, J)

Amrendra/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	11/09/2024
Transmission Date	N/A

