



2024:DHC:8334-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 24.10.2024

+ W.P.(C) 8589/2024 & CM APPL. 35150/2024

JATIN KUMAR

.....Petitioner

Through: Ms. Aditi Gupta, DHCLSC
with petitioner in person

versus

UNION OF INDIA

.....Respondent

Through: Ms. Arunima Dwivedi, CGSC
with Ms. Pinky Pawar and Mr.
Aakash Pathak, Advs. for UOI.
SI Sharbanta Sarkar, SSB

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (Oral)

1. This petition has been filed by the petitioner seeking permission to participate in the documentation and medical test to be conducted by the respondent for the post of Sub Inspector (Communication) pursuant to the Advertisement No. 338/RC/SSB/Combined Advt./Sub-Inspectors/2023 (in short, 'advertisement').
2. It is the case of the petitioner that the petitioner applied for the post of Sub Inspector (Communication) pursuant to the above advertisement, on 09.06.2023. An admit card for Physical Efficiency Test (PET) and Physical Standard Test (PST) was issued to him, wherein he participated successfully. The petitioner also participated



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in the written test on 22.01.2024, and was placed at Serial No.181 in the list of successful candidates. Thereafter, he waited for the admit card to be issued for the documentation and medical examination, however, the same was not received by him. He later learnt that the documentation and medical test had commenced on 30.03.2024 and was underway. He immediately rushed to the nearest internet cafe and downloaded his admit card and went to the office of the respondent at Gorakhpur from Muzaffar Nagar, on 12.04.2024 requesting that he may be permitted to participate in the said process, however, on being refused, the petitioner approached this Court in form of this petition.

3. The learned counsel for the petitioner submits that information with respect to the date for the documentation and medical examination was never communicated to the petitioner.

4. On 15.10.2024, taking note of this submission, the respondent was directed to produce before this Court, documents showing the intimation of the date for the documentation and medical test to the petitioner.

5. Today, the learned counsel for the respondent has produced before this Court, a communication received from the Timing Technologies India Pvt. Ltd., Hyderabad, which shows that the SMS information was sent to the petitioner on 23.03.2024 at 20:02 hrs, while an e-mail was sent to him on the same day at 22:35.

6. The learned counsel for the respondent further submits that the candidates were also warned in the advertisement itself that they should keep a regular track of their application and status on the website, that is, www.ssbrectt.gov.in. She submits that even if the



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petitioner claims that he has not received the SMS or the e-mail, he could have gathered the information of the date for the documentation and the medical test through the website.

Analysis and findings:

7. We have considered the submissions of the learned counsels.
8. In the petition, the petitioner has claimed that he was regularly checking the above website but no information was available regarding the documentation and medical test on the same.
9. The petitioner, who is present in person, was queried by this Court if he still maintains this stand. He admits that as he was waiting for the communication on his mobile, that is, by way of SMS, and by way of an e-mail from the respondent, he only later checked the website and found that the information of the dates of the documentation and medical test was duly reflected therein.
10. We are afraid, we cannot accept the above excuse of the petitioner.
11. Once the candidates have been warned that the information has to be checked from the website, the petitioner was bound to check the website on a regular basis and to act on the information available thereon without waiting for the formal communication by SMS or e-mail.
12. In any case, the respondent has contended that the SMS was sent on 23.03.2024 at 20:02 hrs, while the e-mail was sent to the petitioner on the same day at 22:35 hrs. The respondent, therefore, have fully complied with their obligation of informing the petitioner



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of the date when he has to present himself for the documentation and medical test. The plea of the petitioner that he did not receive the SMS and the email, would give rise to a disputed question of fact, which cannot be adjudicated in a petition under Article 226 of the Constitution of India.

13. If the petitioner has missed the deadline, this Court cannot come to his aid.

14. The petition and pending application(s) are, therefore, dismissed.

NAVIN CHAWLA, J

SHALINDER KAUR, J

OCTOBER 24, 2024/sg/VS

Click here to check corrigendum, if any