

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15055 of 2016

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Anita Kumari Arya

... .. Petitioner/s

Versus

The State Of Bihar and Ors

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Sinha -2, Advocate

For the Respondent/s : Mr. S. Raza Ahmad- Aag5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY

ORAL ORDER

3 28-04-2025 1. The Writ Petition is filed for issuance of Writ of Mandamus directing the respondent authorities department to receive the application for appointment of ration shop dealer for Bhadauni Panchayat, PO-PS-District- Nawada, Bihar, since the petitioner had sent the application through Speed Post on 19.04.2016, which was before one day of the last date of the submission of the application as on 20.04.2016. And the delay occurred as the Post Office, Nawada, was closed on 20.04.2016, due to holiday of 'Mahaveer Jayantee' and the office of S.D.O. Nawada was also closed on 21.04.2016 due to public holiday.

2. The brief facts culled out of the Writ Petition are that the District Magistrate, Nawada



(respondent no. 2) published a notice dated 28.03.2016 vide Memorandum No. 244 for extending the last date for submitting the applications from 31.03.2016 to 20.04.2016 and that the petitioner has sent his application for appointment as a ration shop dealer on 19.04.2016 through Speed Post from the Post Office, Civil Court, Nawada, along with all necessary documents for Bhadauni Panchayat, Nawada. The postman went to the Sub-Division Office on 22.04.2016 Nawada in order to deliver the application, but the 3rd respondent refused to accept it stating that the last date for submission had already expired on 20.04.2016.

3. It is further contended that the distance between the Post Office, Nawada and the Sub-Division Office Nawada is only 1 Km and application ought to have reached on 20.04.2016 however, on the said date the Post Office was closed due to holiday. On the following day, the Post Office attempted to deliver the application, the Sub-Divisional Office was closed, due to



holiday and therefore, the petitioner's application could not be delivered to the respondent on or before 20.04.2016. Subsequently, the petitioner filed a complaint against S.D.O Nawada, before the Public Grievance Redressal Officer, Sub-Division, Nawada on 15.06.2016, for non receipt of the application and the said complaint case was rejected on 06.08.2016. Therefore, the petitioner filed the present Writ application seeking direction to the respondent authorities to receive his application for appointment, as a ration shop dealer.

4. Heard Learned counsel for the petitioner, no representation for the respondents.

5. However, upon perusal of the entire records, it is evident that the Writ Petition is filed to direct the respondent authorities to receive the application of the petitioner. Admittedly, the contents of the Writ Petition itself disclose that the initial date for receiving the applications was 31.03.2016 and the petitioner had not submitted any application prior to 31.03.2016. Further, the District Magistrate (respondent no. 2) published



notice dated 20.03.2016 granting an extension of time for receiving the applications, until 20.04.2016. It is specific contention of the Learned counsel for the petitioner that the petitioner has made his application on 19.04.2016, but it could not reach the respondent's office before 20.04.2016. On perusal of the entire record this Court finds no error or irregularity on the part of the respondent in rejecting the application, as it was not received within the stipulated time i.e. 20.04.2016. Therefore, no infringement of the petitioner's fundamental right is made out, so as to invoke the jurisdiction of this Court under Article 226 of the Constitution of India. Accordingly, the Writ Petition is dismissed as being devoid of merits.

(G. Anupama Chakravarthy, J)

Raj Ranjan/-

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