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**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPS No. 6815 of 2026**

Reshmi Gaware W/o Shri Mainoo Ram Gaware, Aged About 31 Years R/o House No. 122, Ward, No. 11, Bhatapara, Dongargaon, P O Dongaragaon, District Rajnandgaon, Chhattisgarh.

**--Petitioner(s)**

**versus**

**1 -** State Of Chhattisgarh Through Secretary Department Of Public Health And Family Welfare Miinistry, Mahandi Bhawan Atal Nagar, New, Raipur District Raipur Chhattisgarh.

**2 -** The Commissionser -Cum Director Directorate Of Health Services, Government Of Chhattisgarh, Swasthya, Bhawan North Block Sector -19, Atal Nagar Naya Raipur District Raipur Chhattisgarh.

**3 -** The Controller Chhattisgrh. Professional Examination, Board (Vyapam) Vyapam Bhawan, North, Block Sector -19, Atal Nagar Naya, Raipur District Raipur Chhattisgarh.

**4 -** Joint Director Department Of Health And Family Welfare Government Of Chhattisgrh Swasthya, Bhawan, Third And Fourth Floor Sector -19, New Raipur Atal Nagar District Raipur Chhattisgarh.

**5 -** The Collector Rajnandgaon, District Rajnandgaon Chhattisgarh.

**6 -** The Chief Medical And Health Officer, Department Of Health And Family Welfare District Rajnandgaon. Chhattisgarh.

**Respondent(s)**

**AND**

**WPS No. 6590 of 2026**

Dimple Dhruw D/o Ghasi Ram Dhruw Aged About 31 Years Working As Rural Health Coordinator (Female) 2nd A N M ( H W C) Posted At Sub Health Centre Karelichhoti Vikaskhand Magarlod District- Dhamtari (C.G.) Resident Of Village And Post Chhati Tehsil And District - Dhamtari (C.G.) 493663

**---Petitioner(s)**

**Versus**

**1 -** State Of Chhattisgarh Through The Secretary Public Health And Family Welfare Department Mantralaya Naya Raipur, District- Raipur (C.G.)

**2 -** Commissioner Cum Director Directorate Of Health Services Chhattisgarh Swasthya Bhawan North Block- Sector- 19, Atal Nagar, Naya Raipur District- Raipur (C.G.)

**3 -** Joint Director Directorate Of Health Services Swasthya Bhawan I I I Floor Atal Nagar New Raipur (C.G.)

**4 -** Chief Medical And Health Officer District- Dhamtari (C.G.)

**5 -** The Union Of India Through The Senior Superintendent Of Post Offices Dhamtari Division District- Dhamtari (C.G.)

**6 -** The Union Of India Through- The Senior Superintendent Of Post Offices, Raipur, Division, District- Raipur (C.G.)

**Respondent(s)**

**(Cause-title taken from CIS)**

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For Petitioner(s) in: Mr. Mahesh Kumar Mishra, Advocate
WPS No. 6815/2026

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For Petitioner(s) in: Mr. Manoj Kumar Yadav, Advocate
WPS No. 6590/2026

For Resp./State : Ms. Vartika Shrivastava, PL

For Intervener in: Mr. Ajay Shrivastava, Advocate
WPS No. 6815/2026

**(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)**
**Order on Board**

**27.10.2026**

1. Since both these writ petitions involve a common question relating to the denial of additional marks for COVID-19 service experience in the respective recruitment processes, they are being decided by this common order.

2. In W.P.(S) No. 6815 of 2026, the petitioner has challenged the rejection of her claim for grant of 10 additional marks for COVID-19 service experience in the recruitment process for the post of Staff Nurse pursuant to the recruitment process conducted in the year 2025.

3. In W.P.(S) No. 6590 of 2026, the petitioner has challenged the rejection of her claim for grant of similar additional marks in the recruitment process for the post of Rural Health Coordinator (Female)/ANM.

4. The grievance of the petitioners, in substance, is that they had rendered services during the COVID-19 pandemic and were entitled to the benefit of additional marks in accordance with the applicable recruitment criteria. Their claims, however, were rejected on the ground that the requisite experience certificates and supporting documents had not been received by the concerned authorities within the prescribed period, notwithstanding their assertion that

the documents had been dispatched through Speed Post within the stipulated time.

5. Learned counsel appearing for the respective petitioners submit that the petitioners had taken the requisite steps to submit their experience certificates and supporting documents in the manner prescribed by the respondents. It is contended that the delay occurred during postal transit and was beyond the control of the petitioners. They submit that the petitioners ought not to be deprived of the benefit of additional marks for their COVID-19 service experience merely because the postal articles were delivered after the stipulated date, despite having been dispatched within time through the prescribed mode i.e. speed post. Reliance has been placed upon the order passed by the Supreme Court in ***Ashutosh Agnihotri v. High Court of Madhya Pradesh, SLP (C) No. 10224 of 2017 (decided on 4.7.2017) and other connected matter***.

6. Per contra, learned counsel appearing for the respondents submit that the relevant notices prescribed a last date for submission of the requisite documents and that claims in respect of documents received after the stipulated date could not be entertained. It is contended that the prescribed conditions were uniformly applicable to all candidates and that permitting the petitioners to claim additional marks despite the delayed receipt of their documents would amount to an impermissible relaxation of the recruitment criteria.

7. Learned counsel appearing for the intervener in W.P.(S) No. 6815 of 2026 opposes the writ petition and submits that the petitioner is not entitled to

any relief in the absence of a specific challenge to the order rejecting her claim for grant of additional marks. It is contended that, unless the rejection order is specifically assailed, the petitioner cannot seek a direction from this Court for grant of the benefit of 10 additional marks. Learned counsel further places reliance upon the decision rendered by the High Court of Punjab & Haryana in ***Sandeep Singh Parmar v. PGIMER, Chandigarh and another, 2024 SCC OnLine P&H 15913,*** and submits that the stipulated time limit for submission of the requisite documents cannot be relaxed merely on the ground that the documents were dispatched through Speed Post within time but were received after expiry of the prescribed period. It is further contended that compliance with the prescribed deadline must be assessed in accordance with the terms of the relevant recruitment notice and that the petitioners cannot claim an automatic relaxation on account of delay in postal delivery. Learned counsel appearing for the intervener submits that the intervener has duly qualified in the selection process and his name finds place in the select list. However, on account of the interim order passed by this Court in the present writ petition, the appointment order has not been issued in his favour. On these grounds, learned counsel for the intervener submits that the writ petitions deserve to be dismissed.

8. I have heard learned counsel for the parties and perused the material available on record.

9. At the outset, the objection raised by learned counsel for the intervener regarding the absence of a specific challenge to the rejection order does not merit acceptance, insofar as the relief claimed in the present writ petition is concerned. The substance of the challenge has to be ascertained from the

pleadings and the relief sought in the petition as a whole. Where the petitioner questions the rejection of her claim for additional marks and seeks consequential relief in respect thereof, the matter cannot be decided merely on the basis of the form in which the challenge has been couched. The objection, therefore, cannot by itself furnish a ground to decline consideration of the petitioner's grievance on merits.

10. The controversy in the present cases concerns the denial of 10 additional marks for COVID-19 service experience on account of delayed receipt of the requisite experience certificates and supporting documents, despite the petitioners' assertion that the documents had been dispatched through Speed Post within the prescribed period. The issue is not whether a candidate can disregard a mandatory deadline at her discretion, but whether, in the facts and circumstances established in these cases, the petitioners can be denied the benefit of their claimed service experience solely on account of delay in postal delivery.

11. It is noteworthy to mention here that by revised notification dated 30.6.2026 the respondent authorities asked the candidates the submit the requisite certificate in respect of 10 bonus marks for rendering the service during the outbreak of COVID-19 pandemic on or before 10.7.2026 through speed post. Pursuant to the said notification, the petitioners send their COVID-19 experience certificate for 10 bonus marks on 8.7.2026 & 7.7.2026, respectively through speed post i.e. much before the cut off date of 10.7.2026. However, owing to postal delay the same could not reach whereas it is delivered on 13.7.2026.

12. Albeit, there can be no doubt that the postal department is not an agent of the respondent authorities, the fact remains that there was a delay of three to four days in the delivery of the certificate dispatched by the petitioners. In the facts and circumstances of the present cases, the petitioners cannot reasonably be held responsible for such delay, particularly when they had dispatched the requisite experience certificates through Speed Post rather than ordinary post, in accordance with the prescribed mode of submission.

13. The decision of the Supreme Court in ***Ashutosh Agnihotri (Supra),*** arose in the context of an application dispatched through Speed Post before the prescribed deadline but received after its expiry. The Supreme Court, having regard to the special circumstances of that case and the unexplained delay in postal transit, granted relief to the concerned candidate. The said order must be understood in the factual context in which it was passed; nevertheless, it demonstrates that the consequences of delayed delivery cannot be examined in isolation from the circumstances in which the documents were dispatched and received.

14. Learned counsel for the intervener has relied upon the decision in **Sandeep Singh Parmar (Supra)**. In that case, the Punjab & Haryana High Court considered the requirement of submission of documents within the prescribed time and the circumstances in which the postal article, despite reaching the institution before the deadline, was routed to the wrong department and delivered to the concerned section thereafter. The Court did not grant an unconditional direction for selection but left the matter open to the institution to consider permitting the candidate to participate against a vacant post.

15. The aforesaid decision does not, therefore, dispense with the necessity of examining the applicable recruitment notice and the particular circumstances of each case. Nor can it be read as laying down that every instance of delayed receipt must invariably result in denial of the benefit claimed, irrespective of the mode of submission prescribed by the recruiting authority and the circumstances responsible for the delay. The principle that recruitment conditions must ordinarily be applied uniformly is well settled; equally, the question whether a candidate has complied with a prescribed requirement must be determined by construing the relevant condition and examining the material placed on record.

16. In the present cases, the petitioners do not claim exemption from the requirement of furnishing the requisite documents. Their case is that they dispatched the experience certificates and supporting documents through Speed Post within the stipulated period and that the delay occurred during postal transit. The benefit claimed is confined to additional marks for COVID-19 service experience, subject to fulfilment of the applicable eligibility criteria. The claim, therefore, requires consideration in the light of the object of the additional-mark provision, the terms of the relevant notices and the documentary evidence concerning dispatch and delivery.

17. An important aspect which deserves consideration is that the petitioners were required to submit the requisite experience certificates and supporting documents through Speed Post, in accordance with the instructions issued by the respondents. The petitioners claim to have complied with the prescribed mode of submission by dispatching the documents within the stipulated period. In such circumstances, had physical submission been permitted as an

alternative mode, the petitioners could have resorted to the same to ensure delivery within time. However, when the respondents themselves prescribed the mode of submission through Speed Post, the petitioners cannot be faulted for having adhered to the procedure so prescribed.

18. Once the petitioners had resorted to the prescribed mode of transmission within the stipulated period, any delay occurring thereafter in postal transit, if established from the material on record, was beyond their direct control. The consequences of such delay cannot be attributed to the petitioners without examining the circumstances in which the documents were dispatched and delivered. The respondents, having prescribed a particular mode for submission of the documents, were also required to consider the claims in the context of the procedure laid down by them and the circumstances leading to the delayed delivery.

19. This Court is conscious of the settled principle that the conditions stipulated in a recruitment process cannot ordinarily be relaxed to the prejudice of other candidates. However, the petitioners are not seeking exemption from the requirement of furnishing the requisite documents; rather, their grievance is that, despite having adopted the prescribed mode of transmission within time, they have been denied the benefit of additional marks on account of delay in postal delivery. In the facts of the present cases, the distinction between failure to comply with the prescribed requirement and delay occurring despite adherence to the prescribed mode assumes significance.

20. In view of the foregoing discussion, both the writ petitions are **allowed**. The impugned action of the respondents in denying the petitioners the benefit

of 10 additional marks for COVID-19 service experience is hereby set aside. The respondents are directed to award 10 additional marks to each petitioner towards COVID-19 service experience, subject to verification of the genuineness of the experience certificates and fulfilment of the other eligibility conditions prescribed under the respective recruitment notices. Upon such verification, the respondents shall undertake the consequential revision of the petitioners' merit position and candidature in accordance with the applicable recruitment rules.

21. This Court had earlier passed interim orders in both the writ petitions directing the respondents to keep posts vacant. Accordingly, if the petitioners are found eligible after the aforesaid exercise, the respondents shall consider their claims for appointment against the posts kept vacant pursuant to the interim orders, in accordance with their revised merit position and the applicable recruitment rules. The aforesaid exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

Sd/-

**(BIBHU DATTA GURU)**
**JUDGE**

**Rahul**