

Amrita Singh Vs. State of U.P. and Others

Amrita Singh Vs. State of U.P. and Others

SooperKanoon Citation : sooperkanoon.com/917653

Court : Allahabad

Decided On : Mar-14-2011

Judge : Krishna Murari, J.

Appeal No. : WRIT - A No. - 13631 of 2011

Appellant : Amrita Singh

Respondent : State of U.P. and Others

Advocate for Def. : C.S.C., Adv

Advocate for Pet/Ap. : R.P. Yada, Adv

Judgement :

1. Heard learned counsel for the petitioner and learned Standing Counsel for respondents.
2. With the consent of the learned counsel for the parties, the writ petition is being disposed of finally without calling of the counter affidavit.
3. Prayer made in this petition is a mandamus directing respondent no. 2 to accept the application form submitted by the petitioner and to consider her candidature for selection on the post of Trained Graduate Teacher in Government Girls Inter College. An advertisement dated 29.12.2010 was issued inviting application for selection on the post of Trained Graduate Teacher in the institution for different subjects. There was stipulation in the advertisement that only those applications

would be considered, which are received by 2.2.2011 and subsequently on corrigendum issued by respondent no. 2, the last date was extended to 10.02.2011. Accordingly, the advertisement prescribed only one mode of submitting application form by registered post.

4. It is contended by the learned counsel for the petitioner that the application form was sent along with necessary documents through registered post on 4.2.2011, postal receipt in support of application has been filed as Annexure '2' to the writ petition. The application form sent by the petitioner through registered post was returned as undelivered, as the same was not accepted by respondent no. 2 on the ground that it was time barred. It is further contended that the post office was an agent of the respondent and thus, she cannot be penalized for the delay in delivery of the application form. In support of the contention he has placed reliance upon the decision of this Court in Shashi Bhushan Kumar v. U. P. Higher Education Service Commission and others, 2000 (4) AWC - 2947 and Vinod Kumar v. State of U. P., 2004 (3) ESC 1395, wherein it has been held that if one mode of submission of application form is prescribed by the respondent, then the postoffice shall become the agent of the respondents.

5. Admittedly, in the present case, only one mode was prescribed i.e. by registered post and the petitioner sent her application form well within time.

6. In view of the aforesaid legal position settled by the pronouncement of this Court, present writ petition is liable to succeed and is accordingly allowed. The Regional Joint Director (Education), Allahabad Region, Allahabad is directed to accept the application form of the petitioner and to consider her candidature for selection.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com