

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No.1710 of 2014

Parth Sarthi

.... Petitioner

Versus

Jharkhand Public Service Commission & Ors.

...Respondents

Coram : The Hon'ble Mr. Justice Narendra Nath Tiwari

For the Petitioner : Mr. Shailesh, Advocate

For the Respondents : Mr. S. Piprawal, Advocate

02/31.03.2014 In this writ petition, the petitioner has prayed for a direction on the respondents to issue admit card to the petitioner for ensuing Civil Judge(Junior Division) Preliminary Examination-2013.

According to the petitioner, he fulfills all the criteria and eligibility for the said examination. According to the terms of the Advertisement No.04/2013, he sent his application through speed post on 28.12.2013. The last date for receipt of application was 10.01.2014. The petitioner had, thus, taken precaution and dispatched the application well within time. However, admit card has not been issued to the petitioner on the ground that his application has not been accepted as the same was delivered on 16.01.2014 after expiry of the last date.

Mr. Shailesh, learned counsel for the petitioner submitted that the petitioner had sent his application well within time and he is not at fault, if there was any delay in process of the said application. The petitioner brought the said facts to the knowledge of the Secretary, Jharkhand Public Service Commission, Ranchi by his representation dated 13.03.2014, which was received by the Commission on the same day. But till date no order has been passed on the petitioner's representation. Learned counsel submitted that the petitioner had taken all possible precaution and had dispatched his application well within time on 28.12.2013 through speed post from Ashok Nagar, Ranchi. There was no negligence or delay on the part of the candidate and for that he cannot be made to suffer and be deprived of his right to appear in the said examination.

It has been further submitted that in a similar circumstance, the Madras High Court, in the case of '**P. Gnanasekaran Vrs. The Chairman, Tamil Nadu Public Service Commission & Ors.**' had directed the Public Service Commission to accept the application, which was dispatched within time but was received in the office of the Commission belatedly. The petitioner is also entitled for the same relief. The petitioner, for that purpose, filed representation before the Secretary, JPSC on 13.03.2014, but no

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decision has been taken even on the said representation.

Learned counsel for the respondent-JPSC submitted that for the present, he has no instruction regarding the fate of the representation filed by the petitioner. However, if the said representation is still pending, the same shall be considered and appropriate order shall be passed.

Considering the said submissions, this writ petition is disposed of directing the Chairman, JPSC-respondent no.1 to consider the petitioner's aforementioned representation and pass appropriate order within one week and communicate the same to the petitioner in writing.

(Narendra Nath Tiwari, J.)

s.b.