

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

PATNA BENCH : PATNA.

Registration No. OA - 293 of 1996

Date of Judgement : 06.06.1996 *1502*

Ms. Shubha Sinha Applicant

Versus

Union of India & Ors. Respondents.

Counsel for the applicant : Shri Anil Kumar.

CORAM : Hon'ble Shri N.K. Verma, Member (A)

JUDGEMENT

Hon'ble Shri N.K. Verma, Member (A) :-

In this OA the applicant has sought for direction from this Tribunal to the respondents to issue Admit Card to the applicant for appearing at the Civil Services Examination (Preliminary), 1996 to be held on 9th June, 96 by U.P.S.C. and clear her result according to law on the merit in the above examination. As Interim order the applicant has prayed for direction to the respondents to issue provisional admit card to the petitioner and further allow the petitioner to sit in the Civil Services Examination (Preliminary) 1996 to be held on 9th June, 1996.

2. The facts of the case are that the applicant a lady, aged about 27 years had applied for the above examination as per advertisement of the U.P.S.C. dated 15.12.95 for which the last date of receipt of applications in the U.P.S.C was fixed as 22.1.96. There was some concession for the candidates appearing for the test from area in the North Eastern part of India in order to meet anticipated postal delay as the last date of receipt of application was fixed as 29.1.96. The applicant states that she had sent her application duly filled in and complete in all respect on 13.1.1996 from the G.P.O., Patna which was duly acknowledged by the U.P.S.C. in the first week of February, 96 in which Roll No. also was allotted to her. However, by registered letter dated 17.4.96 received by her on 15.5.96 she was informed by the U.P.S.C. that her application has been rejected as the same was received on 24.1.96 in the office of the U.P.S.C., after expiry of the last date prescribed for the receipt of the applications for the said examination. It is the contention of the applicant that she has erroneously been denied the opportunity to sit in the said examination, although her application had been received in the U.P.S.C. on due date. The acknowledgement card was received from the U.P.S.C. after due

date. In any circumstances, the applicant's application had reached U.P.S.C. before 29.1.96, which was the grace period allowed for the candidates for North Eastern States. The applicant has already made representations to the Chairman and Secretary, U.P.S.C. but till today she has not received any reply. The applicant apprehends that the respondents may not send any reply to her to allow the time to lapse.

3. The matter was heard on 3.6.96 when the applicant was directed to produce the documentary evidence of the exact date of delivery of application at the U.P.S.C. It was not possible for the applicant to obtain that information and today the matter was heard on the ground that if the applicant is not allowed provisional admit card and permitted to sit at the examination, she will lose one year and will rank junior to all the contemporaries who have been permitted to take the examination on the basis of the applications received in U.P.S.C. on or before 22nd January, 96. Shri Anil Kumar, the learned counsel appearing for the applicant made ^cplea very strenuous that the whole failure in this matter is in the office of the U.P.S.C. where the applicant's application should have been received on or before 22.1.96, the

transit period for registered letter from Patna to New Delhi is not more than 7 days. The acknowledgement card sent by the U.P.S.C is a routine rubber stamp one without giving date of issue of the acknowledgement or even signature of the person who has received registered letter on behalf of the U.P.S.C. This acknowledgement card does not take one ~~to~~ anywhere as it is ^a bland statement saying that " your application registered No. for the examination is indicated above. Please use this in future correspondence." On the corner of that acknowledgement card, there is figure of 236005 which is the registered No. of the receipt of letter in the office of the U.P.S.C. and not the Roll No. Of course, this very No. has been repeated in communication dated 17.6.96 as Roll No. Be that as it may, the fact is that the U.P.S.C. had not anywhere indicated the actual date of receipt of letter on the acknowledgement card. Hence the presumption is that the applicant's application was received in the U.P.S.C. on due date. It was for the U.P.S.C. to effectively controvert it. Shri Anil Kumar also pressed the point that future of the bright young lady will be bleak if she is forced to lose one chance now. On my query, of course, he admitted that the applicant has ~~still~~ ^{one} more

year available to her to make 3rd attempt for the examination as she would be eligible for taking Civil Services Examination for the year, 1997, being in permissible age limit. However, when the learned counsel for the applicant was asked to produce the postal receipt by which the application was sent by registered post from GPO, Patna on 13.1.96, he sought some time to produce the same and was allowed to resume argument in this matter in the afternoon session. However, the applicant's counsel did not appear in the Court in the afternoon and instead the applicant's father and the applicant herself approached the Court Officer with the information that the postal receipt was not available with them any more. In view of the circumstances described above, I find that the applicant had no case in so far as there is no proof of her having despatched the application in time so that it could have reached the office of the U.P.S.C on or before 22.1.1996. The applicant also cannot take advantage of the extended period for the receipt of the applications till 29.1.96 in respect of candidates belonging to North Eastern States of the Country in view of the fact that concession is available only to that region of the Country wherein postal dislocation are frequent. The State of Bihar and that too Patna has direct over-night

communication with Delhi and the question of registered letter taking more than 7 days to reach Delhi should not arise. Thus, the entire onus of proving the despatch of the letter on 13.1.96 is on the applicant herself. Since she has not been able to do so, her prayer does not stand even on cursory scrutiny and is, therefore, rejected at the admission stage itself.


(N.K. Verma)
Member (A)

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