

ITEM NO.51

COURT NO.5

SECTION IV-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 10224/2017

(Arising out of impugned final judgment and order dated 21-03-2017  
in WP No. 1970/2017 passed by the High Court Of M.P At Jabalpur)

ASHUTOSH AGNIHOTRI

Petitioner(s)

VERSUS

HIGH COURT OF MADHYA PRADESH & Anr.

Respondent(s)

WITH

SLP(C) No. 13087/2017 (IV-A)

Date : 04-07-2017 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Vikas Upadhyay, AOR  
Mr. Nitin Gaur, Adv.  
Mr. Vidit Monga, Adv.  
Mr. Sandeep Singh, Adv.

Mr. Anuj Bhandari, AOR

For Respondent(s) Ms. Sakshi Kakkar, Adv.  
Mr. C. D. Singh, AOR  
Mr. Prateek R, Adv.  
Ms. Shivali Chaudhary, Adv.

UPON hearing the counsel the Court made the following

O R D E R

SLP (C) No. 10224/2017

Pursuant to earlier orders passed by this Court, the result of the examination has been brought before us in a sealed cover. The sealed cover has been opened in the Court today and on a perusal, we find that Ashutosh Agnihotri has qualified in the examination.

The result is taken on record.

It is brought to our notice that the application for participating in the examination was sent by the petitioner on 10.01.2017 by speed post. The track consignment report has been placed before us. On a perusal thereof, we find that while the application was despatched on 11.01.2017 from Palam, it was received in Jabalpur on 20.01.2017, thereafter it was delivered to the High Court on 21.01.2017. The last date for receiving the application was 20.01.2017 but since the application was received by the High Court on 21.01.2017, there was a delay of one day and therefore it was rejected.

However in view of the order passed by this Court, Ashutosh Agnihotri was permitted to provisionally sit for the examination. As mentioned, the result has been perused by us and we find that he has qualified in the examination.

Although there is no doubt that the post office is not the agent of the High Court yet there is an unexplained delay of ten days by the postal department in the despatch of the application sent by Ashutosh Agnihotri from Palam to Jabalpur.

Surely, under the circumstances, the petitioner cannot be blamed for the delay particularly since the application was sent by him through speed post and not by ordinary post.

In view of these special circumstances, we are of the view that the result of the examination should be accepted by the High Court and the rejection of his application on the ground of one day's delay should not come in the way for considering him for interview.

The impugned judgment and order is set aside and the petition is disposed of.

It is directed that Ashutosh Agnihotri may be considered for the interview.

SLP (C) 13087/2017

On perusal of the result, we find that Preetika Shukla has not succeeded in the examination.

The special leave petition is accordingly dismissed.

(MEENAKSHI KOHLI)  
COURT MASTER

(SHARDA KAPOOR)  
ASSISTANT REGISTRAR