



2026:AHC:211656

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 16630 of 2026 AFR

Anuradha

.....Petitioner(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Petitioner(s)	: Abhishek Srivastava, Indra Pal Singh Rajpoot, Rajesh Mishra
Counsel for Respondent(s)	: C.S.C., Mahendra Narain Singh

Court No. - 52

HON'BLE MRS. MANJU RANI CHAUHAN, J.

1. Heard Mr. Rajesh Mishra, learned counsel for the petitioner, Mr. B.K.S. Raghuvanshi, learned counsel for respondent no.2 and learned Standing Counsel for the State.

2. The present petition has been filed seeking a direction to respondent no. 2 to accept the hard copy of the application form, along with the relevant documents submitted by the petitioner, and not to proceed with the interview pursuant to Advertisement dated 18.08.2026, bearing Advertisement No. D-1/E-1/2026.

3. Learned counsel for the petitioner submits that applications were invited from eligible candidates for appointment to various posts under the Medical Education Department pursuant to the advertisement dated 18.08.2026. The online application process commenced on 18.08.2026, and the last date for submission of online applications along with payment of the prescribed fee was 01.09.2026. The facility for correction in the application form remained available up to 08.09.2026, whereas the last date and time for submission of the hard copy of the online application form along with the requisite documents was fixed as 15.09.2026 up to 5:00 p.m.

4. It is further submitted that the posts advertised are to be filled exclusively on the basis of interview. The petitioner, being fully eligible for the post in question, duly submitted his online application and deposited the requisite online fee on 31.08.2026, well within the prescribed period. As required under the advertisement, the petitioner duly dispatched the downloaded hard

copy of his online application, along with the requisite supporting documents, by registered post on 08.09.2026. The postal article reached the office of the Commission at Allahabad on 16.09.2026 at about 16:49:36 hours.

5. Learned counsel for the petitioner further submits that the aforesaid facts are borne out from the postal tracking report annexed at page 62 of the writ petition. The hard copy of the online application form along with the requisite documents reached the office of respondent no. 2 at Allahabad on 16.09.2026 at about 16:49:36 hours. However, the envelope containing the said documents was refused to be accepted by the respondent Commission, and the endorsement "Refused to Accept" was accordingly made thereon. The said envelope was thereafter returned and delivered to the petitioner on 21.09.2026 at about 17:56:58 hours.

6. It is further submitted that, upon noticing the aforesaid delay, the petitioner approached the postal authorities to ascertain the circumstances which had occasioned the delay in delivery of the article. The petitioner was informed that, on account of the 18th BRICS Leaders' Summit held in Delhi, the offices situated in Delhi/New Delhi were closed pursuant to the written order dated 07.09.2026. It is further submitted that, by Office Memorandum dated 03.09.2026 issued by the Director, JCA, Ministry of Personnel, Public Grievances and Pensions, Government of India, the offices situated in Delhi/New Delhi were declared closed from Friday, 11.09.2026 to 13.09.2026.

7. Learned counsel for the petitioner submits that the petitioner, immediately thereafter, approached respondent no. 2 and submitted a written representation dated 30.09.2026, setting out the aforesaid facts and requesting acceptance of the hard copy of his online application form along with the requisite documents. A copy of the said representation has been annexed with the writ petition. However, no action has been taken by the respondent authorities thereon till date.

8. Learned counsel for the petitioner submits that there was no deliberate or wilful delay on the part of the petitioner. The petitioner had duly submitted his online application and deposited the requisite fee within the prescribed period, and had also taken timely steps for dispatch of the hard copy of the

application form along with the requisite documents. The subsequent delay in delivery was occasioned by circumstances attributable to the postal authorities and was wholly beyond the petitioner's control. It is thus urged that the petitioner ought not to be deprived of his legitimate opportunity to participate in the selection process on account of a delay for which he cannot be held responsible and hard-copy of online application along with document may be accepted.

9. Learned counsel for the petitioner has placed reliance upon the judgment of the Hon'ble Supreme Court in Sadaf Imran v. Uttar Pradesh Public Service Commission, Writ Petition (Civil) No. 581 of 2023, decided on 19.01.2024. In the said case also, the petitioner had duly uploaded her application form and requisite documents within the prescribed period. The last date for submission of the hard copy was 15.04.2023. The petitioner had dispatched the application form along with the supporting documents through speed post on 12.04.2023, well within the prescribed period; however, owing to delay in postal delivery, the documents reached the office of the Uttar Pradesh Public Service Commission on 16.04.2023, i.e., one day beyond the prescribed date. The Commission refused to receive the documents and rejected the candidature of the petitioner.

10. The Hon'ble Supreme Court, taking note of the aforesaid circumstances, observed that in similar circumstances, in Ashutosh Agnihotri v. High Court of Madhya Pradesh and Others, reported in 2017 (4) SCT 539 (SC), the applicant was not blamed where the application had been sent through speed post. The Hon'ble Court observed that it was of the same view, having regard to the facts of the case. Consequently, the rejection of the petitioner's candidature was set aside and the respondent Commission was directed to declare her result.

11. It is, accordingly, submitted that the respondents may be directed to accept the hard copy of the application form along with the requisite documents submitted by the petitioner and to permit him to participate in the selection process in accordance with the terms and conditions of the advertisement dated 18.08.2026.

12. Learned counsel appearing for the respondent Commission, on the basis of instructions received by him, has submitted before the Court today and

has placed the same on record. It is contended that, since the hard copy of the application form along with the requisite documents was received by the Commission after the last date prescribed for submission thereof. Therefore, cannot be accepted.

13. I have considered the submissions advanced by learned counsel for the parties and have perused the material available on record.

14. The advertisement dated 18.08.2026 stipulates that, after submitting the application form online, the candidates are required to forward self-attested photocopies of their academic and other requisite documents in support of their claims, along with a printout of the online application form, by 5:00 p.m. on the last date prescribed for submission of the hard copy of the online application form and the accompanying documents. Such documents were required to be submitted in the office of the Commission either through registered post, speed post, or by hand. The last date and time prescribed for submission of the hard copy of the online application form along with the requisite documents was 15.09.2026 up to 5:00 p.m.

15. The advertisement itself contemplates three modes for transmission of the hard copy of the online application form, together with the requisite documents, namely, through registered post, speed post or by hand. The petitioner had already submitted his online application and deposited the requisite fee within the prescribed period. Thereafter, he entrusted the hard copy of the application form, along with the requisite supporting documents, to the postal authorities well within the stipulated time. The postal tracking report placed on record establishes that the article was duly dispatched within time and remained in transit, but ultimately reached the office of respondent-Commission only on 16.09.2026, i.e. one day beyond the prescribed last date.

16. The delay, therefore, occurred at a stage subsequent to the petitioner's performance of the act which lay within his own control. There is no material on record even remotely suggesting that the petitioner had either delayed the dispatch of the application or failed to exercise the diligence reasonably expected of a candidate participating in a public recruitment process. On the contrary, the documentary record demonstrates that the petitioner availed himself of one of the modes of transmission expressly

sanctioned by the advertisement and completed the requisite act within the stipulated period. In such circumstances, the petitioner cannot, in the considered opinion of this Court, be visited with the civil consequence of exclusion from the selection process for a default which is neither attributable to his conduct nor occasioned by any omission on his part.

17. The aforesaid view derives authoritative support from the judgment of the Hon'ble Supreme Court in *Ashutosh Agnihotri v. High Court of Madhya Pradesh and Another*, wherein the application had been dispatched through Speed Post within the prescribed period but reached the concerned High Court one day beyond the last date. Taking note of the postal record and the delay occurring in transmission, the Hon'ble Supreme Court categorically observed that the candidate could not be blamed for such delay, particularly when the application had been sent through Speed Post and not through ordinary post. The rejection founded solely upon such postal delay was accordingly set aside and the candidate was permitted to participate in the interview.

18. The principle was subsequently reiterated by the Hon'ble Supreme Court in *Sadaf Imran v. Uttar Pradesh Public Service Commission*, W.P. (C) No. 581 of 2023, decided on 19.01.2024. There also, the hard copy of the application had been dispatched through Speed Post within the prescribed period but reached the office of the Uttar Pradesh Public Service Commission one day beyond the stipulated date. The Hon'ble Supreme Court, expressly noticing and following *Ashutosh Agnihotri*, held that the applicant could not be blamed for the delay in postal delivery and consequently set aside the rejection of her candidature.

19. In *Rishish Prakash v. Uttar Pradesh Public Service Commission, Allahabad*, Writ-A No. 5254 of 2025, decided on 28.04.2025, 2025:AHC:65775, this Court, placing reliance upon the judgment of the Hon'ble Supreme Court in *Sadaf Imran v. Uttar Pradesh Public Service Commission*, W.P. (C) No. 581 of 2023, decided on 19.01.2024, held that where a candidate has completed the online application process within the prescribed period and has thereafter dispatched the requisite hard copy within time through a mode of transmission contemplated by the recruitment process, the candidate cannot be made to suffer for the mere reason that the postal article was delivered to the Commission after the prescribed cut-off

date on account of delay attributable to the postal department. The Court thus recognised that, where timely dispatch and absence of negligence on the part of the candidate are established, a subsequent delay in postal delivery, being beyond the candidate's control, cannot by itself constitute a valid ground for exclusion from the selection process.

20. Viewed in the conspectus of the facts obtaining herein and the legal principles governing the field, the refusal of the respondent-Commission to receive and take on record the petitioner's hard copy merely because the postal article reached the Commission's office one day beyond the prescribed cut-off date cannot withstand judicial scrutiny. The petitioner had admittedly completed the online application process and deposited the requisite fee within the stipulated period and had thereafter caused the hard copy of his application, along with the requisite supporting documents, to be dispatched within time through a mode of transmission expressly sanctioned by the advertisement. The obligation resting upon the petitioner was, thus, duly and punctually discharged; the subsequent delay occurred exclusively in the course of postal transit and was a fortuitous circumstance wholly extraneous to his conduct and beyond his dominion. There is neither allegation nor material indicative of any negligence, indolence or want of due diligence on his part.

21. To allow such an extraneous postal contingency to extinguish the petitioner's candidature would be to elevate a procedural stipulation into an instrument of substantive forfeiture and to impose upon him a consequence wholly disproportionate to the nature of the alleged default. The recruiting authority, having itself prescribed and sanctioned transmission through registered post/speed post, cannot, in the same breath, disown the consequences of that very mode of transmission and visit an otherwise diligent candidate with the drastic civil consequence of exclusion from the selection process. Where the candidate has performed the act required of him within the prescribed period and has availed himself of a mode expressly authorised by the recruiting authority, a marginal delay attributable solely to the postal machinery cannot, in the peculiar circumstances of the present case, be permitted to operate as an immutable bar to consideration of his candidature.

22. Accordingly, the writ petition is **allowed**. The respondent-Commission

has committed an error in returning the hard copy of the petitioner's online application along with the requisite supporting documents solely on account of the marginal delay in its postal delivery. The respondent no. 2, Uttar Pradesh Public Service Commission, Uttar Pradesh, Allahabad, through its Secretary, is accordingly directed to accept and take on record the hard copy of the petitioner's online application, together with all requisite documents, if the same is presented before the Commission on or before 16 October 2026 by 5:00 p.m. Upon such submission, the Commission shall duly consider the petitioner's candidature in accordance with the terms of the advertisement and applicable rules, without rejecting the same merely on the ground that the hard copy had earlier reached the Commission after the prescribed cut-off date.

(Mrs. Manju Rani Chauhan,J.)

October 8, 2026

Rahul.