

NON - REPORTABLE
IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) NO.581 OF 2023

SADAF IMRAN

...PETITIONER(S)

Versus

**UTTAR PRADESH PUBLIC
SERVICE COMMISSION**

...RESPONDENT(S)

ORDER

1. The petitioner was a candidate for the State Judicial Service Examination of Uttar Pradesh for the year 2022, which was to be conducted by the Uttar Pradesh Public Service Commission (hereinafter referred to as “State Commission”). The eligible candidates were to compete for the post of Civil Judge (Junior Division) in the State of Uttar Pradesh. It was a three-stage examination and only such candidates who had first cleared the Preliminary Examination were qualified to appear for the Mains Examination, which was scheduled for 23.05.2022. The

petitioner was one of the candidates who had cleared the preliminary examination and was now to appear for the mains examination. The deadline for submitting the documents online along with application form was 08.04.2023. There is no dispute with regard to the fact that the petitioner uploaded her application form and her entire documents as required online before the stipulated date i.e., 08.04.2023. Now the deadline for submitting the hard copy of the documents along with the application form was 15.04.2023.

2. The petitioner is a resident of District Bulandshahr in Uttar Pradesh and was residing in Delhi and had sent her application form along with supported documents through “speed post” on 12.04.2023, from Malka Ganj Sub-Post Office, Delhi to the office of State Commission at Prayagraj, Uttar Pradesh. All the same, the documents reached the office of the State Commission belatedly by one day on 16.04.2023. The documents were not formally received as they had crossed the dead line a day earlier and were thus returned by the State Commission and reached the petitioner on 20.04.2023. The next day on 21.04.2023, the

petitioner took a flight to Prayagraj and deposited the documents in the office of State Commission on 21.04.2023.

3. On 29.04.2023, a formal order was given by the State Commission rejecting petitioner's candidature for the Mains Examination for the delayed submission of her application. Consequently, the petitioner was constrained to file a writ petition before this Court seeking a mandamus from this Court to appear in the examination and on 22.05.2023, the following interim order was passed by this Court permitting the petitioner to appear in the Mains Examination:

"Issue notice, returnable in the first week of July, 2023.

In addition, learned counsel for the petitioner is permitted to serve the standing counsel.

Considering the fact that the mains examination has to commence on 23.05.2023, we direct the authorities to permit the petitioner in the exam provisionally subject to final outcome of this petition. It is further made clear here that the permission to appear in the examination would not give any equity in favour of the petitioner."

4. On the strength of the above order the petitioner appeared in the Mains Examination. This petitioner has now successfully cleared the examination as was informed to this Court by the Counsel for the respondent. Under these circumstances, a prayer has been made by the petitioner that her result be declared formally and a direction be issued to the State Commission to send the result to the State of Uttar Pradesh for onward compliance.
5. This is, however, opposed by the learned counsel for the State who would argue that this may set a wrong precedent and moreover there were 13 candidates in all, including the petitioner, whose candidature was rejected for similar reason i.e., delay in submission of the hard copy of the documents, and if a relief is given to the petitioner similar relief may also be claimed by the rest. We, however, are of the opinion that this apprehension of the learned counsel is not well founded. Firstly, the case of the petitioner is not the same as that of the rest of the candidates. It is the petitioner only who had approached this Court and

consequently it was on the strength of an interim order of this Court that the petitioner appeared in the main examination. The remaining candidates did not approach this Court and unlike the petitioner have not appeared in the main examination which is now over. Under these circumstances the case of the petitioner has to be separated from the rest. Secondly, now the petitioner has also successfully cleared the examination.

6. Under similar circumstances, this Court in the case of ***Ashutosh Agnihotri v. High Court of Madhya Pradesh and Others*** reported in **2017 (4) SCT 539 (SC)** did not place blame on the applicant as the application was sent through speed post, like in the present case. We are also of the similar view, considering the facts of the present case.
7. We, therefore, allow this petition and order that the rejection of the application of the petitioner at the hands of the State Commission shall not come in the way of the declaration of petitioner's result. The impugned order is set aside and we direct the Respondent-State Commission

to declare the result of the petitioner and send the result to the State of Uttar Pradesh for onward compliance.

Pending application(s), if any, shall stand disposed of.

.....**J.**
[J.K. MAHESHWARI]

.....**J.**
[SUDHANSHU DHULIA]

New Delhi.
January 19, 2024.