

Court No. - 4

Case :- WRIT - A No. - 5316 of 2024

Petitioner :- Priyanka Upadhyay

Respondent :- U.P. Public Service Commission Thru.
Chairman Prayagraj

Counsel for Petitioner :- Daya Shankar Tiwari, Aditya
Pandey, Amit Kumar

Counsel for Respondent :- Raj Kumar Upadhyaya
(R.K.Upadhyaya)

Hon'ble Rajesh Singh Chauhan, J.

1. Heard Shri Daya Shankar Tiwari, learned counsel for the petitioner and Shri Ravi Shanker Tewari, learned counsel for the respondent.

2. By means of this writ petition, the petitioner has prayed for following relief :-

“I. To issue writ order or direction, in the nature of Mandamus commanding the Opposite Party/ Respondent to consider the case of the petitioner and allow the petitioner to take her Hindi Short Hand & Computer Typing Examination for the post of Additional Private Secretary Stage-02 Examination 2023 on any date fixed by the Opposite Party/Respondent i.e. 18/07/2024 the last date for the said examination.”

3. Learned counsel for the respondent, on the basis of specific instructions, has submitted that the petitioner could not report at the examination centre within time so stipulated and she was late by two minutes, therefore, she could not be permitted to appear in the examination in question. He has further submitted that if petitioner is permitted to appear in the examination in question, which would be going on till 18.07.2024, the floodgate may likely to be opened and in that case it would be so difficult for the Commission to conduct the examination properly. He has also submitted, on the basis of instructions,

that 45 minutes reporting time was allotted which was very well known to the petitioner and the petitioner reached to the examination centre after expiry of that 45 minutes from beginning of examination.

4. Learned counsel for the petitioner has accepted the mistake of the petitioner by submitting that on account of heavy rain on the date of examination and also because the two wheeler (scooty) of the petitioner got punctured while coming to the examination centre, she was two minutes late from the stipulated period in the aforesaid examination, but she has qualified the written examination for the aforesaid examination, therefore, considering sympathetically she may be permitted to appear for the examination as that examination is going on and last date of final examination is 18.07.2024.

5. Though the submission raised by learned counsel for the respondent is absolutely correct and acceptable inasmuch as if specific time as fixed to report for examination in question has not been followed by the candidate, no further time may be given, but notably the fact that on the particular date of examination there was heavy rain and the scooty of the petitioner got punctured, therefore, despite the fact that she had taken all care and precaution to reach the examination centre well in time she could not reach. Heavy rain was act of God, but she tried her level best to reach at the examination centre well in time but in the meantime her scooty got punctured.

6. As a special case, which may not be treated as precedent, the Commission may permit the petitioner to take her Hindi short hand and computer typing examination for the post of Additional Private Secretary, 2023 on last date of examination, i.e. 18.07.2024.

7. Shri Ravi Shanker Tewari, learned counsel for respondent-Commission may apprise the Commission about the concern of the Court in such peculiar facts and circumstances and the Commission may not treat this concession as precedent for others.

8. The writ petition is accordingly **disposed of**.

(Rajesh Singh Chauhan, J.)

Order Date :- 15.7.2024

Arnima