
(2010) 08 AHC CK 0222
In the Allahabad High Court

Dr. Smt. Rana Nigam

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 03-08-2010

Acts Referred:

Citation : (2010) 08 AHC CK 0222

Hon'ble Judges : Sunil Ambwani, J;Kashi Nath Pandey, J

Bench : Division Bench

Judgement

1. Learned Standing Counsel appears for respondent Nos. 1 and 2. Shri V.P. Varshney appears for the respondent No. 3. The respondents are allowed four weeks" time to file counter affidavit. The petitioner will have one week thereafter to file rejoinder affidavit.

2. List on 13.9.2010.

3. The amendment application is allowed.

4. The petitioner has prayed for quashing the impugned order dated 16.7.2010 issued by the Public Service Commission, U.P. Allahabad rejecting her candidature for the post of Medical Officer, Ayurvedic and Uyani, advertised vide Advertisement No. 4/2009-2010 on the ground that she is not Scheduled Caste in U.P.

5. The petitioner had earlier approached this Court against the similar order of the Public Service Commission in which she was not allowed to appear in the interview in the selections vide advertisement No. 1/2003-04 on 4.10.2007, on the ground that the certificate issued by the Tehsildar, Kanpur was in the name of her husband. She thereafter produced the certificate from the State of Madhya Pradesh in the name of her father that she belongs to "Jatav" community. The Writ Petition No. 40614 of 2008 was allowed by us on 2.7.2010 with directions to interview her for the vacancies relating to the advertisement. If she is found successful, she is to be recommended and will be given appointment by the State Government, along with the candidates of the same batch.

6. The issues raised in this writ petition are same, which we had decided in our judgment dated 2.7.2010 in Writ Petition No. 40614 of 2008.

7. Shri V.P. Varshney states that the last date of interview was fixed on 31.7.2010 and that the interviews are over.

8. The letter No. 1490 of the Commission, by which the petitioner's candidature was rejected, is dated 16.7.2010. It is stated that though the writ petition was filed on 31.7.2010, the letter was received by her on 2.8.2010, and thus she filed the amendment application enclosing the letter.

9. In the facts and circumstances, we direct the Commission to interview her separately, provided the result has not been declared so far. If she is found successful, her name may be included in the selections. Her appointment, however, will be subject to the result of the writ petition without prejudice to her rights to be considered for the selections in pursuance to advertisement No. 1/2003-04. The order will be served on the Commission by day after tomorrow.