
(1995) 08 AHC CK 0084
In the Allahabad High Court
Case No : Writ Petition No. 6727 of 1993

Gobardhan

APPELLANT

Vs

State of U.P.and Others

RESPONDENT

Date of Decision : 31-08-1995

Acts Referred:

Citation : (1995) 08 AHC CK 0084

Hon'ble Judges : A.P.Singh, J

Final Decision : Disposed Of

Judgement

A. P. Singh, J.—Gobardhan, the petitioner has approached this Court under Article 226 of the Constitution with the prayer that an order be issued directing the oppositeparties, namely, U. P. State Road Transport Corporation and its officers to appoint him as Bus Conductor in accordance with the list prepared in the year, 1980, a copy whereof the petitioner has filed as Annexure1 to the writ petition in which the petitioner is shown at Serial No. 245. In support of his case petitioner has placed reliance on a judgment of this Court in the matter of Ashok Kumar v. State of U. P. and others, being Writ Petition No. 13120 of 1991, decided on 25992. It has been stated that on the basis of the same list Ashok Kumar whose name occurred at serial No. 147 has already been given appointment and the special leave petition filed by the oppositeparties against that order has since been rejected by Supreme Court, therefore, according to petitioner, the oppositeparties are bound to appoint him also. A counteraffidavit has been Bled by oppositeparties in Paragraphs 1 and 2 whereof it has been stated that the list on the basis of which petitioner claimed appointment was cancelled on 1571980, therefore, no direction for appointment on the basis of that list can be made for appointing the petitioner.

2. According to the learned counsel for oppositeparties in view of the cancellation of the list petitioner is not entitled to claim his appointment notwithstanding by the judgment of this court in Ashok Kumar's case. It is further alleged by respondents in their counteraffidavit that the cancellation of the list though was

challenged has been upheld by dismissal of writ petitions challenging it. The fact whether the list has been cancelled is denied by the petitioner in paragraph 4 (a) of the rejoinder affidavit but in view of the order of cancellation filed by respondents it is not possible to hold that the list has not been cancelled. The fact whether the list had been cancelled or not has been noticed in the judgment of this court in the case of Ashok Kumar. Petitioner insists that the list has not been cancelled and is still operative and the appointment can be made from that list. Be that as it may. In case the list has not been cancelled by the respondents petitioner will obviously be entitled to the treatment which has been given by respondents to Ashok Kumar on the basis of the judgment of this court. I, therefore, direct that the respondents shall consider petitioner's case exactly on the basis of the judgment of this court in the case of Ashok Kumar provided the list in question still subsists and has not been cancelled.

3. With these observations the writ petition is finally disposed of without any order as to costs.