
(2011) 02 AHC CK 0219

In the Allahabad High Court

Case No : Special Appeal Defective No. 26 of 2011

Jai Prakash and Another

APPELLANT

Vs

Basic Shiksha Adhikari and Others

RESPONDENT

Date of Decision : 10-02-2011

Acts Referred:

Limitation Act, 1963 — Section 5

Citation : (2011) 02 AHC CK 0219

Hon'ble Judges : Ferdino Inacio Rebello, C.J.;Vineet Saran, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

Order on Delay Condonation Application

1. This is an application u/s 5 of the Limitation Act for condoning the delay in filing the appeal.
2. Considering the cause shown in the affidavit filed in support of the delay condonation application, the delay in filing the appeal is condoned.
3. Application stands allowed.

Order on the Special Appeal.

4. The Appellants were selected for B.T.C. Course based upon the fact that they were physically handicapped. The State Government on noticing the illegalities, constituted a fresh board for verification of the physically handicappedness of such candidates. One such matter came to be disposed of by this Court by order dated 9th of September, 2010, passed in Special Appeal No. (811) of 2010. This Court in that case, observed that there cannot be a roving enquiry in respect of a certificate already obtained. At the same time, this Court noted that on physical verification, the authorities came to the conclusion that the candidate has not been genuinely issued a certificate of disability or otherwise, or that he does not suffer from any disability so certified, which entitles him to such a certificate,

then and in that event only, a candidate can be subjected to a fresh medical board and not otherwise.

5. The grievance of the Appellants is that on the report of the board before the judgment of this Court, the board has subsequently been abolished. Respondents are seeking to take action against the Appellants and show cause notice has been issued to them.

6. In that context, this appeal is disposed of with the following directions:

7. The Respondents are bound to comply with the directions of this Court dated 09.09.2010 passed in Special Appeal No. (811) of 2010.

8. The copy of the report of the medical board upon which the show cause notice is issued to the Appellants, be made available to them within four weeks from today.

9. Respondents thereafter to show cause within 15 days from receipt of the report of the medical board and any other document which the Respondents are denying.

10. The Respondents thereafter act according to law and pass appropriate orders.

11. With the aforesaid observations appeal stands disposed of.