

(2009) 12 AHC CK 0010

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 66504 of 2009

Java Singh

APPELLANT

Vs

State of U. P. Through Secretary Basic Education, Secretariat
U.P. Lucknow and others

RESPONDENT

Date of Decision : 07-12-2009

Acts Referred:

Citation : (2009) 12 AHC CK 0010

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

Final Decision : Dismissed

Judgement

Amreshwar Pratap Sahi, J.

Heard learned counsel for the petitioner, learned counsel for the respondent and learned Standing Counsel for the State Authorities.

The petitioner claims certain benefits under the government order dated 16.6.2009 as a candidate of dependant of freedom fighter. This notification was issued on 16th June, 2009, the petitioner had applied earlier for Special B.T.C. Training Course, 2008.

The notification took the shape of an ordinance dated 16th June, 2009 wherein the aforesaid provision of reservation to dependents of freedom fighter was extended. The category of reservation as claimed by the petitioner has been introduced by an amendment for the first time through the said ordinance. The ordinance, therefore, being prospective in nature as it introduces a new category can not be given a retrospective effect by any judicial order unless and until the legislation provides for the same.

In the instant case the ordinance nowhere indicates that it will have retroactive operation. The argument, therefore, can not be accepted.

The writ petition is accordingly dismissed.