
(2008) 01 AHC CK 0174
In the Allahabad High Court

Kumari Saroj Chaudhary	Vs	APPELLANT
State of U.P. and Others		RESPONDENT

Date of Decision : 29-01-2008

Acts Referred:

General Clauses Act, 1897 — Section 13

Citation : (2008) 117 FLR 90

Hon'ble Judges : Tarun Agarwala, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Tarun Agarwala, J.—Heard Shri Shashi Nandan, the learned Senior Counsel assisted by Sri N.K. Chaudhary for the petitioner, Shri Rakesh Pandey, the learned Counsel for the respondent No. 4 and the learned standing Counsel for the remaining respondents.

2. The petitioner's appointment on the post of Shiksha Mitra has been cancelled by the District Magistrate on the ground that she is the grand daughter of the Village Pradhan and was therefore, disqualified as per Clause (10) of the Government Order dated 10.10.2005. The learned Counsel for the petitioner submitted that the said Clause does not include a granddaughter, therefore, the petitioner could not be disqualified. The learned Counsel submitted that the said Clause is exhaustive in nature and has to be read literally leaving no room or scope for any addition.

3. Clause (10) of the Government Order dated 10.10.2005 states that "close relatives" of the Pradhan or of the Secretary will not be appointed as a Shiksha Mitra. The Clause indicates that a "grand son" is excluded from being appointed as a Shiksha Mitra.

4. In my view, the prohibitive list indicated in Clause (10) of the Government Order dated 10.10.2005 is only illustrative in nature and is not exhaustive. Emphasis has to be given to the words "close relatives". If a grandson is

excluded from being appointed as a Shiksha Mitra, being a close relative, in my opinion, a granddaughter would also fall in the same category since there is no difference in the relationship between a grandson and a granddaughter. Section 13 of the General Clauses Act provides that words importing a masculine gender shall be taken to include females. Since Clause 10 of the government order also prohibits sons and daughters from being appointed as a Shiksha Mitra, consequently, in my opinion, a granddaughter would be included in the word "grandson" and therefore prohibited from being appointed as a Shiksha Mitra.

5. In view of the aforesaid, this Court does not find any merit in the writ petition and is dismissed accordingly.