
(2010) 09 AHC CK 0075
In the Allahabad High Court
Case No : Writ Petition No. 7686 (S/S) of 2009

Kumari Seema

APPELLANT

Vs

District Basic Education Officer Lakhimpur Kheri and Another

RESPONDENT

Date of Decision : 22-09-2010

Acts Referred:

Citation : (2011) 7 ADJ 257

Hon'ble Judges : Shabihul Hasnain, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Shabihul Hasnain, J.—Heard Sri S.K. Verma, Learned Counsel for the Petitioner and Sri R.K. Kushwaha, for Basic Shiksha Adhikari.

2. The Petitioner was selected in Special B.T.C. vide order dated 24.7.2008 in science group, under general category as women candidate. This is clear from the reading of annexure No. 6 to the writ petition. The Petitioner says that her selection was made under the general category, although he belonged to backward category. He says that the selection has been cancelled vide annexure No. 1 dated 29.9.2009, wherein it has been stated that in the inquiry the caste certificate has not been found to be validly issued and on the basis of this, the Petitioner's selection has been cancelled. The simple argument of the Petitioner is that once she was selected under general category, there was no reason why she would use caste certificate or forge it. The law of the land is that a backward category or S.C.S.T. category, can be selected against general category but it cannot be vice versa. The Petitioner has alleged in para-6 of the writ petition that the Petitioner, although had applied under O.B.C. category but on the basis of merit prepared by the opposite parties, she was selected in general women category in science group. This fact has not been denied in para-8 of the counter affidavit.

3. The Petitioner says that once this fact has been admitted that the Petitioner

has been selected in general category/relevance of caste certificate loses its significance. The order has been passed without application of mind and against the law laid down by Hon"ble Supreme Court.

Accordingly, the writ petition succeeds and is allowed. The impugned order dated 29.9.2009 as contained in annexure-1 to the writ petition is hereby, quashed. The Petitioner shall be given consequential benefits.