

(2009) 05 AHC CK 0570
In the Allahabad High Court

Naarandra Kumar Yadav

APPELLANT

Vs

State of U.P.and others

RESPONDENT

Date of Decision : 18-05-2009

Acts Referred:

Citation : (2009) 05 AHC CK 0570

Hon'ble Judges : V.K.Shukla, J

Final Decision : Dismissed

Judgement

V.K.Shukla, J.

Earlier Narendra Kumar Yadav had filed Civil Misc. Writ Petition No. 1234 of 2009 before this Court and this Court had asked concerned District Magistrate to examine the matter.

Pursuant to order passed by this Court the District Magistrate of the concerned District has examined the matter and thereafter has mentioned that fresh denovo selection proceedings be undertaken. At this juncture present writ petition has been filed.

Learned counsel for the petitioner Sri Ashutosh, contended with vehemence that as per merit, petitioner was entitled to be offered appointment on the post of Shiksha Mitra, in this background order directing fresh denovo selection proceedings is bad.

Countering said submission, learned Standing counsel as well as Sri Vimal Chand Mishra, Advocate has contended that rightful view has been taken in the matter and as such no interference be made.

After respective arguments have been advanced factual position which is emerging in the present case is that selection proceedings has been undertaken for the post of Shiksha Mitra for academic session 200304. This fact has also admitted been that in all total four posts of Shiksha Mitra had been identified and further in both primary institution against first posts of Shiksha Mitra male

Shiksha Mitra have already been performing and discharging duties. As per policy formulated and framed in the matter of selection and appointment of Shiksha Mitra, 50% of the post identified in all eventuality has to be filled from amongst female category candidate. Two posts of Shiksha Mitra had already been held up by male category candidate the in all eventuality the remaining identified posts has to be filled from amongst female category candidate. District Magistrate, has taken all these aspect of the matter into consideration, and mentioned therein that it would be much more appropriate to undertake fresh denovo selection proceeding.

Consequently in the present case on this factual scenario which is emerging there is hardly any scope of interference. Writ petitioner lacks substance and dismissed.