
(2001) 12 AHC CK 0009
In the Allahabad High Court
Case No : C.M.W.P. No. 39346 of 2001

Neeraj Trivedi

APPELLANT

Vs

State of Uttar Pradesh and Others

RESPONDENT

Date of Decision : 01-12-2001

Acts Referred:

Constitution of India, 1950 — Article 14, 16

Citation : (2002) 1 AWC 121 : (2002) 92 FLR 784 : (2002) 1 UPLBEC 65

Hon'ble Judges : Anjani Kumar, J

Bench : Single Bench

Advocate : S.K. Srivastava, for the Appellant; S.C. and R.K. Tripathi, for the Respondent

Judgement

Anjani Kumar, J.—The petitioner alleged that he has done B.T.C. Training from Rampur while he was resident of Kanpur Nagar. He has applied for the post of Assistant Teacher in Primary schools in pursuance to an advertisement published.

2. Learned counsel for the petitioner Sri S. K. Srivastava contends that the petitioner has been informed that since he is resident of district Kanpur Nagar, he ought to have been obtained B.T.C. Training from Kanpur Nagar. Since he has taken B.T.C. Training from Rampur being resident of Kanpur Nagar, his case would not be considered.

3. B.T.C. Training is the qualification which is the eligibility criteria. There cannot be any restriction for obtaining such eligibility criteria from particular place, if such a restriction is enforced, in that event it will be against the principles of equality and violating the provisions of Articles 14 and 16 of the Constitution.

4. In such circumstances, after hearing learned counsel for the petitioner and learned standing counsel, this writ petition is disposed of by directing the concerned respondents to consider the petitioner's application in accordance with law having regard to the observation made hereinabove and consider his case in the process of selection provided the petitioner is otherwise eligible in law

to be so considered, such consideration is to be made by the respondent No. 3 before the selection process takes place, if not already had taken place.

5. However, there will be no order as to costs.