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**(2013) 02 AHC CK 0211**

**In the Allahabad High Court**

**Case No :** Civil Miscellaneous Writ Petition No. 7690 of 2013

Neha Saini

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

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**Date of Decision :** 12-02-2013

**Acts Referred:**

**Citation :** (2013) 3 ADJ 682 : (2013) 2 AWC 2093

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

**Bench :** Single Bench

**Advocate :** Ashish Kumar Singh and Ajay Kumar Singh, for the Appellant;

**Final Decision :** Allowed

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## **Judgement**

A.P. Sahi, J.—Heard learned counsel for the petitioner and the learned standing counsel for the respondents. I have perused the Government order dated 5th December, 2012. It is the said Government order which provides for the procedure for entertaining applications for training of 2012 BTC Training Course.

2. The dispute in the present writ petition is that the petitioner belongs to the OBC female category and after counseling her candidature has been rejected by an endorsement made by the respondent No. 3 to the effect that the caste certificate of the petitioner has been issued after the last date of submission of application forms.

3. Learned counsel for the petitioner, Sri Jitendra Kumar Srivastava, submits that the said objection is unfounded inasmuch as the Government order dated 5th December, 2012 only requires the possession of a domicile certificate prior to the date of the application whereas the other certificates in original have to be presented at the time of counseling. It is undisputed that the petitioner submitted her caste certificate at the time of counseling.

4. I have perused the Government order and I have also heard the learned standing counsel for the State.

The Court does not find any clause in the Government Order dated 5th December, 2012 that may require the possession of a caste certificate of the date prior to the date of application. Even otherwise the caste certificate has to be verified and the information has to be verified on the basis of the same having not been uploaded. This information, therefore, was very much available on the date of counseling.

The caste certificate, therefore, could be verified by the respondents. The certificate of a caste is only an evidence of the person belonging to the said caste. It is not a declaration so as to have any retrospective effect. The person submitting the caste certificate is of that caste is the information which is given under the certificate in the said information. When the Government order requires the production of the original caste certificate only at the time of counseling, the objection taken on the application dated 24th January, 2013 by the Principal does not appear to be in conformity with the Government order dated 5th December, 2012.

This has to be distinguished from a domicile certificate which has to be of a certain period before the requirement.

Accordingly, the reason as endorsed on Annexure-1 to the writ petition is unsustainable and is hereby quashed. The writ petition is allowed.

The Principal, the respondent No. 3 is directed to reconsider the candidature of the petitioner keeping in view the observations made hereinabove or any Government order or rules that may be applicable to the controversy within three weeks of the date of presentation of this order.