
(2009) 05 AHC CK 0564
In the Allahabad High Court

Pramod Maurya

APPELLANT

Vs

State of U.P.and others

RESPONDENT

Date of Decision : 26-05-2009

Acts Referred:

Citation : (2009) 05 AHC CK 0564

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

Final Decision : Dismissed

Judgement

V.K. Shukla, J.

Earlier, petitioner had filed writ petition No.8256 of 2009 before this Court and this Court on 16.02.2009 had asked the District Magistrate concerned to examine the matter and take appropriate decision in the matter in accordance with law.

Pursuant to aforementioned directives issued by this Court, the District Magistrate proceeded to examine the matter and found that the claim of Harendra Yadav was based on better footing as he had superior merit status; as such his name has been recommended for the post of Shikshamitra.

Learned counsel for the petitioner, Sri R.R. Mishra, Advocate, contended that on the date when Gram Shiksha Samiti proceeded to consider the respective claims of the parties, Harendra Yadav was not present and the name of petitioner had been proposed. Subsequently, Harendra Yadav appeared, and recommendation was made in his favour, although on subsequent occasion his claim could not have been considered.

Countering the said submission, learned Standing Counsel as well as Sri Rajeev Mishra, on the other hand contended that rightful view has been taken and no interference is required.

After respective arguments have been advanced, factual position which emerges in the present case is that last date for submission of application form for the post of Shikshamitra was 25.11.2008. In the said selection proceedings,

petitioner as well as Harendra Yadav along with few others had applied for consideration of their candidature. The Gram Shiksha Samiti considered the matter on 26.11.2008, when Harendra Yadav was not present, but on the basis of merit his name figured at serial No.2 and that of petitioner at serial No. 5. Contention of petitioner is that as Harendra Yadav was not present on the said date, the name of the petitioner was proposed, but subsequently before Tehsil Committee Harendra Yadav appeared and placed correct facts before the Tehsil Committee and the Tehsil Committee recommended his name, this could not have beendone. Once merit status of Harendra Yadav is superior vis?vis the petitioner and cogent reasons have been given, then in case he was not present on 26.11.2008 that makes no difference for the simple reason that only after resolution was passed by Gram Shiksha Samiti, then verification proceedings could have been carried out, and Harendra Yadav had given application pointing out difficulties which which were not at all adverted to and ignoring his merit resolution was passed, as such this Court refuses to interfere in the matter, and writ petition is dismissed.