
(2012) 01 AHC CK 0560
In the Allahabad High Court
Case No : Writ - A No. 49616 of 2011

Shiv Pujan Ydadav And Others

APPELLANT

Vs

State Of U.P. And Others

RESPONDENT

Date of Decision : 20-01-2012

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2012) 01 AHC CK 0560

Hon'ble Judges : Pradeep Kumar Singh Baghel, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Hon"ble Pradeep Kumar Singh Baghel, J.—The petitioners are four in number, along with others appeared in the Examination of Lekhpal Training in the year 1989 and their result was withheld. The petitioners have approached this Court under Article 226 of the Constitution of India aggrieved by the order of the Board of Revenue dated 28.2.2011, whereby the Board of Revenue has rejected their representation on the ground that their experience certificate was fabricated and as such their result cannot be declared.

2. On 8th September,2011 time was granted to learned standing counsel to file counter affidavit, however, no counter affidavit has been filed. In view of the facts and circumstances of this case no useful purpose would be served to grant further time to file counter affidavit as the issue involved in this case has already been decided by this Court by order dated 25.3.2004. A Special Appeal against the said order has been dismissed on 7.5.2008. Thereafter a SLP 4623 of 2008 (State of U.P. and others v. Hira Singh Yadav and others) was preferred which was also dismissed by the Supreme Court on 2.6.2010. Moreover, other Writ Petition No.28908 of 2010 (Kailash Nath Pathak and others v. State of U.P. and others) was also allowed by this Court in terms of the judgment given in Writ Petition No. 34525 of 2001 decided on 25.3.2004.

3. Having perused the record Court is satisfied that the facts of the present case are covered by the judgment mentioned above. The respondents have complied all the judgment and order of this Court in the above mentioned case.

4. Heard learned counsel for the petitioner and learned standing counsel.

5. The brief facts of the case are that the petitioners were permitted to appear in the Examination after verification of their papers. However, the Board of Revenue vide order dated 5.6.2000 cancelled their result on the ground that the petitioners have appeared in the Examination on the basis of forged and fabricated documents. The order of the Board of Revenue was challenged by means of Writ Petition No. 34525 of 2001 (Ram Prasad Singh and others v. Sajeev Dubey and another). The said writ petition was allowed by means of judgment and order dated 25.3.2004. The respondents filed a Recall Application which was also dismissed on 25.3.2004.

6. Dis-satisfied with the order of the learned Single Judge the respondent Board of Revenue/respondent no.2 to this writ petition preferred Special Appeal No. 427 of 2008 which was also dismissed on 7.5.2008. Aggrieved by the order of the Special Appeal the respondent filed SLP No.4623 of 2008 which was also dismissed on 2.6.2010. After dismissal of the SLP compliance of the order of the learned Single Judge was done by means of order dated 7th August, 2009. Copy of which is annexed as Annexure-6 to the writ petition.

7. Some other candidates who had not joined the earlier writ petition No. 19555 of 1992 which was allowed on 22nd March, 2005. Against that order another Special Appeal No. 492 of 2005 was filed which was also dismissed vide order dated 8.12.2005. The SLP No. 4623 of 2008 against the said order was also dismissed on 2.6.2010 by the Supreme Court.

8. Some of the remaining candidates also approached this Court by means of Writ Petition No. 28908 of 2010 (Kailash Nath Pathak and others v. State of U.P. and others) which was allowed on 19.5.2010. Copy of the order is annexed as Annexure -1 to the Supplementary Affidavit. The petitioner brought on the record the order of compliance of the aforesaid writ petition (coy of which is Annexure 2,3,4 and 5 to the Supplementary Affidavit.

9. I have perused the impugned order passed in the instant writ petition. In the impugned order the same allegations have been repeated against the petitioners which were in order dated 5.6.2000 (Annexure-2 to the writ petition) and the said order has been quashed by the learned Single Judge in Writ Petition No. 34525 of 2001(supra).

10. In this background of the aforesaid facts I am satisfied that the petitioners are also entitled for the same relief in terms of the judgment of this Court mentioned herein above.

11. From the perusal of the order of Writ Petition No. 34525 of 2001 (Ram Prasad Singh and others v. Sajeev Dubey and another) it is clear that the

respondents did not file counter affidavit even after repeated orders. In this case also time was granted but no counter affidavit has been filed. Moreover, granting further time would not serve any purpose, as the matter has already been decided by the Court and Supreme Court has dismissed Special Leave Petition.

12. The writ petition is allowed in terms of the judgment of this Court passed in Writ Petition No. 34525 of 2001 (Ram Prasad Singh and others v. Sajeew Dubey and another). Impugned order dated 28.2.2011 is set aside.

13. The respondents are directed to declare the result of the petitioners within six weeks from the date of production of a certified copy of this order. If, after declaration of the result the petitioners are successful they would be entitled for the consequential benefits.

14. No order as to costs.