
(2010) 09 UK CK 0143

In the Uttarakhand High Court

Case No : Writ Petition No. 400 of 2010 (S/S)

Smt. Bindra Rawat

APPELLANT

Vs

State and another

RESPONDENT

Date of Decision : 01-09-2010

Acts Referred:

Citation : (2010) 3 UC 1521

Hon'ble Judges : Brahma Singh Verma, J

Bench : Single Bench

Advocate : Mr. Kishore Kumar, holding brief and Mr. M.C. Pant, for the Appellant; Mr. N.P. Sah for the State/respondent No. 1 and Mr. B.D. Pande, for Resp. No. 2, for the Respondent

Final Decision : Allowed

Judgement

Hon"ble B.S. Verma, J.—Heard Learned Counsel of the parties and perused the record.

2. By means of this writ petition, the Petitioner has sought writ in the nature of certiorari quashing the impugned order dated 20.05.2010, whereby her candidature was rejected on the ground of non-filling of Uttarakhand Mahila Column in the OMR form.

3. On 07.06.2010, time was granted to the Respondents to file counter affidavit but the same has yet not been filed.

4. I have perused the application form of the Petitioner, which is annexed as annexure-4 to the writ petition. In column No. 12 of the OMR form under the caption reservation category (Only for domicile of Uttaranchal), the Petitioner has mentioned O.B.C. category.

5. Mr. B.C. Pande, Learned Counsel for Respondent No. 2, has stated that the Petitioner did not fill the sub-category of Uttaranchal Female of column No. 12. On perusal of OMR form, filled up by the Petitioner, it is revealed that the sub-

category of Uttaranchal Female of column No. 12 was to be filled up only if applicable.

6. The Petitioner has applied under the O.B.C. category (female) and the word- "FEMALE" has also been mentioned in the OMR form, which is annexed as annexure 4 to the writ petition. Therefore, rejection of the application on the ground that she does not lie under the category of O.B.C. (female), is erroneous in law. The arguments of Learned Counsel for Respondent No. 2 cannot be accepted for the simple reason that the subcategory of Uttaranchal female in column No. 1 should have been filled up by the Petitioner. Prima facie it seems to be for a general category female who does not fall under the reserved category.

7. As an interim measure, Respondent No. 2 is directed that the Petitioner be provisionally permitted to appear in the written (main) examination since she got 119 marks in the preliminary examination and cut off marks for the same is 91 for the O.B.C. (female) category. (Stay application No. 4201 of 2010, stands disposed of).

8. Learned Counsel for Respondents pray for and are allowed four weeks" time to file counter affidavit. Certified copy of the order be issued to the Learned Counsel for the parties today on usual charges.