

**(2009) 10 AHC CK 0027**  
**In the Allahabad High Court**  
**Case No : C.M.W.P. No. 52316 of 2009**

Smt. Mamta Srivastava

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

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**Date of Decision :** 09-10-2009

**Acts Referred:**

**Citation :** (2010) 124 FLR 133

**Hon'ble Judges :** Amreshwar Pratap Sahi, J

**Bench :** Single Bench

**Advocate :** P.S. Verma and Narendra Mohan, for the Appellant; R.S. Prasad, D.D. Chauhan and S.C., for the Respondent

**Final Decision :** Dismissed

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## Judgement

Amreshwar Pratap Sahi, J.—Heard Shri Narendra Mohan, learned Counsel for the petitioner, Shri R.S. Prasad, learned Counsel for the respondent No. 5, learned Counsel for the Gaon Sabha and the learned Standing Counsel.

2. The contention raised on behalf of the petitioner is that the respondent No. 7-Smt. Arti cannot be appointed as Shiksha Mitra on the post in question, inasmuch as, she happens to be a relative of the Gram Pradhan and is therefore disqualified in terms of Clause 3 of the Government Order dated 1st July, 2000. It is urged that the Gram Pradhan of the village is the "Chachiya Sas" of the respondent No. 7. Translated this means that the Gam Pradhan is the wife of the uncle-in-law of the respondent No. 7. The enumeration of relatives which have been mentioned in Clause 3 of the Government Order, are exhaustive, inasmuch as, the word relative is followed by a transitive verb "means", the objects whereof are the specific relations defined therein.

3. In view of the same there is no scope for this Court to include any other relative apart from those defined in the said Clause 3.

4. The pronouncement of this Court in the case of Gyan Pratap Singh Vs. The State of Uttar Pradesh and Others, and in the case of Sher Singh v. State of U.P.

and others 2005 (60) ALR 608, support the aforesaid conclusion drawn by the Court. The Government Order "Under consideration was presumably brought about to clarify the meaning of the word "relative" as the earlier Government Order on the subject issued in the year 1999 was subjected to challenge the validity whereof was upheld by this Court in the decision in Rashmi Dwivedi v. State of U.P. and others 2002 (49) ALR 41 (All.).

5. Accordingly there is no merit in the contention raised on behalf of the petitioner and the writ petition is accordingly dismissed.