
(2007) 10 AHC CK 0126
In the Allahabad High Court

Smt. Meera Yadav

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 09-10-2007

Acts Referred:

Citation : (2007) 115 FLR 1129

Hon'ble Judges : Rakesh Tiwari, J

Bench : Single Bench

Judgement

Rakesh Tiwari, J.—Heard learned Counsel for the petitioner and learned standing counsel.

2. An advertisement was issued on 17.7.2007, which was published in the newspaper Danik Jagran on 20.7.2007 inviting application from eligible candidate for the post of Aganbari worker and sweeper/sahaika.

3. The petitioner being an OBC candidate applied against the said post.

4. It is submitted by the learned Counsel for the petitioner that under the Kasimabad Block there are three village namely Gram Sabha Dharwan, Resulpur, Hundarahi that two Aganbari workers are already working in the village namely one from Dharwan and other from Hundarhi as such post advertised was belonged to village Rasulpur. The petitioner is resident of village Rasulpur whereas respondent No. 6 is resident of village Hundarahi as such respondent No. 6 is not eligible for appointment on the post of Aganbari belonging to Village Rasulpur.

5. It appears that petitioner and respondent No. 6 obtained equal marks but petitioner suspected that the marks of Intermediate examination of respondent No. 6 were not correct as there is difference of 15 years in her passing of passing High School and the Intermediate examinations. He claims that there is no objection against the candidature of the petitioner and as such he is entitled to be appoint on the post.

6. It is further contended that respondent No. 6 has filed intermediate certificate and income certificate issued on 25.7.2006 at serial no 11408 by the Tehsildar showing that his income is about Rs. 18000/- per annum i.e. he is living below the poverty line. This according to the petitioner is a forged certificate as husband of respondent No. 6 is an income Tax payee having income 2,76,450.35/- per month and thus she is not living below poverty line.

7. Admittedly the villages Dharwan, Rasulpur and Hundarahi belonging to Kasimabad block hence it cannot be said that the advertisement is only for Resulpur. The advertisement does not also provide that the post is to be filled up from candidate belonging any to Village Resulpur.

8. It appears from annexure No. 11 appended to the writ petition that income certificate of respondent No. 6 has been directed to be cancelled by the District Magistrate vide order dated 5.9.2007 and enquiry has also been ordered to be conducted against the Lekhpal, who has issued the income certificate to him Annexure No. 11 is as under:

rk0 2@9@2006

egksn;%& vki ds vkns"k ds vuqikyu esa izkfFkZuh Jherh ehjk ;kno ifRu Jh izse izdk"k ;kno fu0 jlwiyiqj i0ckn ftyk xkthiqj ds izkFkZuk&i= ds lECU/k esa tkap fd;k A izkFkhZuh ds dFkukuqlkj Jh erh jhrk nsdh ifRu Jh jke cnu dq"kokgk dks o"kZ 2006 es ekfld vk; 1500@& ,d gtkj ikap lkS rFkk okf"kZd vk; dqy 18000@& gtkj tkjh fd;k x;k gS dqN rF; fNikdj vk; izek.k i= xyr tkjh dj fy;k x;k gS] tkapsijkar ;g RkF; lkeus vk;k gS fd Jherh jhrk nsdh ds ifr Jh jke cnu dq"kokgk iq0 Jh cq)q dk foxr o"kZ vizSy 2006 ls ekpZ 2007 rd ,y0vkbZ0lh0 ls deh"ku ds :Ik esa okf"kZd vk; eq0 276450-35 nks yk[k fNgRrj gtkj pkj lkS iPpkl :Ik;s iSafrl iSlS yxHkx izkIr gqv k Fkk A ftdh Nk;k izfr izcU/kd ,y0vkbZ0lh0 ;wlvQiwj eqgEnckn xkthiqj }kjk lR;kfir izek.ki= layXu fd;k x;k gS A bl rjg Jherh jhrk nsdh ds ifr Jh jke cnu dq"kokgk iq0 Jh cq)w dk foxr o"kZ vizSy lu~ 2006 ls ekpZ 2007 rd dh okf"kZd vk; eq0 276450-35 ds yxHkx gS A

vr% fjiksZV lsok esa izsf"kr gSA

g0v0 2-9-90 vk; izek.k= cukus okys ys[kiky ds fo:) dk;Zokgh o vk; izek.ki= fujLr djsa A A.D.P.O. dks dk;Zokgh gsrq Hksats A

g0v0 5@9 D.M.

9. The prayer of the petitioner is that not only the appointment of respondent No. 6 be cancelled but orders also be passed by the Court for consideration of appointment of the petitioner on the post held by respondent No. 6.

10. This court cannot issue any direction for appointment of the petitioner, which is to be considered by the authority concerned.

11. In view of the fact that the District Magistrate has himself ordered of cancellation of the income certificate of respondent No. 6 and for action against the Tehsildar, who had issued the false certificate to him he may pass appropriate

orders on the representation of the petitioner dated 3.8.2007 for consideration of her appointment by a reasoned and speaking order in accordance with law within a period of six weeks from the date of production of certified copy of this order, which shall be submitted by the petitioner within a period of not later than three weeks from today. The District Magistrate may also direct for action being taken under the relevant Provisior of the IPC against the respondent No. 6 after enquiry into the matter, so that tendency for obtaining appointment by such candidates is corrupt and post is to be filled up by matrimonious candidates.

12. The writ petition is accordingly, disposed of.