

(2010) 11 AHC CK 0023
In the Allahabad High Court
Case No : Writ A No. 67446 of 2010

Smt. Saroj Yadav

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 19-11-2010

Acts Referred:

Citation : (2010) 11 AHC CK 0023

Hon'ble Judges : Devendra Pratap Singh, J

Bench : Single Bench

Judgement

Devendra Pratap Singh, J.—Heard counsel for the parties.

2. This petition is directed against an order dated 09.07.2010 rejecting the claim and representation of the Petitioner in pursuance of the directions of this Court dated 23.04.2010.

3. It appears that one post of Shiksha Mitra was created in primary school, Islampur, Santkabir Nagar in 2003-2004 and as the post of Gram Pradhan of GramSabha, Dhodhai in Santkabir Nagar, within which the aforesaid primary school was situated, was reserved for OBC category, the Respondent No. 6 along with other applied. While the selection process was still going on a second post of Shiksha Mitra was created in 2005 and in pursuance of an advertisement dated 27.10.2005 the Petitioner applied. The Respondent no. 6 was selected for the first post of Shiksha Mitra and the candidature of the Petitioner was rejected forcing her to file Writ Petition No. 11272 of 2006 which was finally disposed off on 28.02.2006 asking the District Magistrate to consider her grievance. In pursuance thereof, the District Magistrate rejected the claim of the Petitioner vide order dated 28.04.2006 on the ground that the second post of Shiksha Mitra against which the Petitioner had applied was of unreserved category and accordingly, selection has been made. This order was again subjected to challenge by the Petitioner in Writ Petition No. 40994 of 2006. After hearing the parties, the court found that the District Magistrate has not considered the specific claims of the parties and had passed a confusing order and thus it

allowed the writ petition vide order dated 23.04.2010 quashing the order dated 28.04.2006 and remanding for decision afresh. In pursuance there of, the present impugned order has been passed.

4. It is urged that the Respondent No. 6 had not applied for engagement as Shiksha Mitra in pursuance of the advertisement of 2005 and therefore, he couldn't have been considered and the District Magistrate did not follow the directions given in the judgment dated 09.07.2010.

5. A perusal of the order shows, and there is no substantial denial to it, that one post of Shiksha Mitra was created in 2003-2004 which was advertised as one of the 202 posts of Shiksha Mitra and in pursuance whereof the respondent no. 6 applied along with five others and it was reserved for OBC candidates and the respondent no. 6 was found to be the most suitable candidate and his name was recommended by the Shiksha Samiti which recommendation was upheld by the District Committee on 28.2.2006. But before the appointment could be made another post of Shiksha Mitra was sanctioned and advertised on 27.10.2005 against which the petitioner applied but in view of the reservation policy the second post of Shiksha Mitra fell within general woman candidate and the petitioner was considered along with the applicants for the second post of Shiksha Mitra where Smt. Soni Srivastava was the highest in merit and was selected and with these findings it has rejected the claim of the petitioner. Considering the aforesaid facts, it cannot be said that the respondent no. 6 was engaged on the second post of Shiksha Mitra and the engagement of Soni Srivastava has not been challenged by the petitioner.

6. In view of the aforesaid, no case for interference is made out. Rejected.