
(2011) 04 AHC CK 0161
In the Allahabad High Court
Case No : Writ. A. No. 19599 of 2011

Vivek Tripathi

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 08-04-2011

Acts Referred:

Citation : (2011) 04 AHC CK 0161

Hon'ble Judges : Krishna Murari, J

Bench : Single Bench

Judgement

Krishna Murari, J.—Heard learned Counsel for the Petitioner, learned Standing Counsel for Respondent Nos. 1 and 2 and Shri J.N. Maurya for Respondent Nos. 3 and 4.

2. The Petitioner claims that he was selected for being appointed on the post of Shiksha Mitra by the Selection Committee on 08.12.2008 and two days' time was allowed to him to submit a domicile certificate. However, before he could obtain the certificate, a complaint was made by Shri Rahul Shukla, who was placed at serial No. 2 in the select list, on which an inquiry was directed. After completion of inquiry, domicile certificate was issued to the Petitioner on 02.07.2009, which was submitted before Basic Education Officer. Thereafter, Rahul Shukla filed Writ Petition No. 34830 of 2009 before this Court challenging the selection and appointment of the Petitioner on the ground that domicile certificate was wrongly issued to him, which was disposed of on 15.07.2009 directing the District Magistrate, Kanpur Dehat to decide the issue after hearing the parties. District Magistrate vide order dated 19.12.2009 rejected the representation of Rahul Shukla. However, thereafter the Petitioner is not being issued appointment letter on the basis of Government Order dated 02.06.2010 imposing a ban on the appointment of Shiksha Mitra.

3. Relying upon a Division Bench judgment in the case of Km. Sonika Verma v. State of U.P. and Ors.2011 (1) ESC 681; learned Counsel for the Petitioner has contended that the Government Order would apply in future selections and not in

relation to such selections where the appointment has been delayed on account of the fault on the part of the Respondents themselves.

4. The Division Bench in *Km. Sonika Verma (supra)* has categorically held that the Government Order dated 02.06.2010 which is being made basis for withholding approval to the selection of the Petitioner made in the year 2009 would apply in respect of future selection and not in relation to such selections made prior to 02.06.2010 and thus in effect the Government Order dated 2.06.2010 would apply only prospectively and not retrospectively.

5. Considering the facts and circumstances of the case, the writ petition stands disposed of with the liberty to the Petitioner to make a representation along with a certified copy of this order before the Respondent No. 2, District Magistrate, Ramabai Nagar within a period of three weeks from today. In case any such representation is made, the Committee shall consider for according approval to the selection of the Petitioners in accordance with law laid down by this Court in *Km. Sonika Verma (supra)* ignoring the Government Order dated 02.06.2010 within a further period of four weeks from the date of making representation.