

Court No. - 40

Case :- WRIT - C No. - 41318 of 2023

Petitioner :- Smt Meena Devi

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Ashwani Kumar Pathak

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard learned counsel for the petitioner and Shri Devansh Rathore, learned Addl. Chief Standing Counsel for State respondents.

2. Present writ petition has been preferred for quashing the order dated 17.10.2023 passed by District Magistrate, Gorakhpur-respondent no.2 and for a direction to respondent nos.2 and 3 to issue character certificate in favour of the petitioner.

3. In pith and substance, by the order impugned, the application of the petitioner for getting character certificate has been rejected only on the ground that two criminal cases are registered against the husband of the petitioner. It is submitted that the petitioner's qualification is Intermediate and for getting contracts from Government Departments, character certificate is required and as such the action of the respondents is violative of Art.21 of the Constitution of India. Learned counsel for the petitioner has submitted that the issue is no more res integra that a character certificate cannot be denied to an incumbent on the ground that someone in his close relation is having a criminal antecedent. Reliance in this regard has been placed on the judgment of Hon'ble the Apex Court in **Manyata Devi v. State of U.P.**, (2015) 10 SCC 198, wherein it is authoritatively held that a character certificate issued in favour of an individual cannot be revoked on the ground that a person in his close relation is having criminal history. Reliance has also been placed on the order dated 3.1.2020 in Writ-C No.42720 of 2019 (**Suneeta Singh v. State of U.P.**) as well as the order dated 3.8.2015 in Writ-C No.41671 of 2015 (**Smt. Shashi Katara v. State of U.P.**).

4. Per contra, learned Standing Counsel has vehemently opposed the writ petition and submitted that the order impugned is strictly in consonance with the relevant Government Orders and is liable to be upheld. However, he could not dispute the legal proposition

as advanced by learned counsel for the petitioner.

5. Considering the facts and circumstances as well as respectfully considering the judgments cited at Bar, we are of the considered opinion that the order impugned cannot sustain and accordingly the same is set aside. A direction is issued to the District Magistrate, Gorakhpur to reconsider the matter afresh strictly in accordance with law and in view of the aforesaid legal pronouncements expeditiously and preferably within six weeks from the date of production of certified copy of this order.

6. The writ petition stands **partly allowed** accordingly.

Order Date :- 14.12.2023

SP/