

Court No. - 8

Case :- WRIT - A No. - 4158 of 2011

Petitioner :- Manju Devi Mishra

Respondent :- State Of U.P. Thorough Principal Secy. Dept.Of Panchayati Raj

Counsel for Petitioner :- Y.K.Pandey,Km. Shilpi,S.N.Pandey,Vinod Mishra

Hon'ble Dinesh Kumar Singh,J.

1. Heard Sri Vinod Mishra, learned counsel for the petitioner and Sri Anirudh Singh, learned Standing Counsel.
2. The present writ petition under Article 226 of the Constitution of India has been filed seeking quashing of the order dated 20.3.2010 passed by the District Magistrate, Sultanpur rejecting the petitioner's representation for giving her appointment on the post of Sweeper on the ground that this Court vide order dated 24.7.2009 passed in Writ Petition No.6446 (SS) of 2008 had directed that the appointment should be made as per the select list published on 19.9.008.
3. Admittedly, the petitioner's name was not there in the select list dated 19.9.2008 and, therefore, she was not offered the appointment.
4. Learned counsel for the petitioner submits that the petitioner had applied under the 20% quota meant for the female Sweeper and only 150 seats of female category were filled up against 253 posts. He further submits that the petitioner has faced the interview and she would not know that whey she was not selected.
5. On the other hand, Sri Anirudh Singh, learned Standing Counsel submits that a Selection Board was constituted. The only mode for adjudging the suitability, would be interview. There were no marks allotted in the interview to the candidates

and only suitability was adjudged at the time of interview. The selection was based on subjective satisfaction of the members of the Selection Board and, therefore, there is no ground that since no merit/select list was published, the petitioner ought to be appointed. The Selection Board did not find the petitioner suitable and, therefore, her name was not in the merit list.

6. As mentioned in the impugned order, this Court itself had directed for making the appointment as per the select list and admittedly the petitioner's name was not there in the select list, therefore, she was not offered the appointment.

7. In view thereof, I do not find no much substance in this petition, which is hereby ***dismissed***. However, it is directed that if any vacancy is still left out and the petitioner is willing to work on the said vacancy, she may be given offer of appointment as daily wager and she may be paid wages accordingly.

Order Date :- 14.7.2023

Rao/-