

Court No. - 8

Case :- WRIT - A No. - 28352 of 2021

Petitioner :- Saurabh Singh

Respondent :- State Of U.P. Thru. Prin. Secy. Aayush Lucknow And Anr.

Counsel for Petitioner :- Anurag Narain, Amit Kumar Singh, Satendra Jaiswal, Sujit Kumar Ojha, Vishal Singh

Counsel for Respondent :- C.S.C., Gaurav Mehrotra, Jogendra Nath Verma

Hon'ble Dinesh Kumar Singh, J.

1. Heard learned counsel for the petitioner as well as Sri Sandeep Chandra, learned Standing Counsel, Sri Gaurav Mehrotra, learned counsel appearing for the Commission and Sri H.N. Singh, learned Senior Advocate, assisted by Sri Abhishek Dwivedi and Ramesh Pratap Singh, for the private opposite parties/selected candidates.

2. The present writ petition under Article 226 of the Constitution of India has been filed impugning the result of the examination held for the post of Homeopathic Pharmacist vide notice dated 02.11.2021 in pursuance to Advertisement No.2 of 2019, for which the last date for submission of the application forms was 18.3.2019 and for correction in the application form, the last date was 25.3.2019.

3. In the advertisement, it was provided that 10% posts shall be reserved for Economically Weaker Section candidates in accordance with the Office Memorandum dated 18.2.2019, which provides that 10% reservation shall be applicable to the candidates of the category, who are not covered under the reservation given to Scheduled Caste, Scheduled Tribe and Other Backward Class. The family income of such candidate should be less than Rs.8,00,000/- from all sources. The said income should be considered of previous year of the year, in which the applications are invited.

4. In the present case, the applications were invited in the year 2019, for which the last date was of 18.3.2019. Therefore, the certificate ought to have been issued before 18.3.2019, i.e. the certificate of the income should be of the Financial Year 2017-2018.

5. Learned counsel for the petitioner submits that the petitioner has

submitted all the certificates of the income of the family including one which was issued to him by the Tehsildar on 11.11.2017.

6. In view thereof, it is provided that if the petitioner had produced the aforesaid certificate at the time of counselling/verification of the documents, the said certificate should be treated as valid certificate of proof of income as it has been issued by the competent authority irrespective of the format prescribed by the Government.

7. Accordingly, the Subordinate Service Selection Commission is directed to verify that whether the aforesaid certificate dated 11.11.2017 was produced at the time of counselling/verification of the documents by the petitioner or not, and if it was submitted, whether the certificate is genuine and issued by the competent authority, then the petitioner would be entitled to be given the benefit of reservation under 10% quota for the Economically Weaker Section as per merit. The Commission should revise the result of selection accordingly.

8. With the aforesaid observation and direction, the present writ petition stands ***disposed of*** finally.

(Dinesh Kumar Singh, J.)

Order Date :- 19.5.2023
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