

Court No. - 8

Case :- WRIT - A No. - 4247 of 2023

Petitioner :- Archana Singh

Respondent :- State Of U.P. Thru. Prin. Secy. Medical And Health Lko.
And Another

Counsel for Petitioner :- Shrawan Kumar, Pankaj Kumar Sahu

Counsel for Respondent :- C.S.C., Gaurav Mehrotra

Hon'ble Dinesh Kumar Singh, J.

1. Heard S/Sri Shrawan Kumar and Pankaj Kumar Sahu, learned counsel for the petitioner as well as Sri Tushar Verma, learned Additional Chief Standing Counsel and Sri Utsav Misra, learned counsel for U.P. Subordinate Service Selection Commission.

2. The present writ petition under Article 226 of the Constitution of India has been filed seeking a Writ in the nature of Mandamus commanding opposite party no.2 for taking and considering the Economically Weaker Section (EWS) certificate of the petitioner with other documents, which she had submitted earlier, for filling up 9212 vacant posts of Auxiliary Nurse Midwife (Swasth Karyakarta) Mahila.

3. The petitioner applied for the post of Auxiliary Nurse Midwife (ANM) in pursuance to Advertisement No.2 of 2021 and after getting successful in the written examination, she was called for documents verification from 9.6.2022 to 18.6.2022.

4. 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.

5. It is the admitted case of the petitioner that at the time of documents verification, she could not submit her EWS certificate as it was under preparation and the same was prepared on 1.9.2022 though the said certificate ought to have been submitted before the cut off date to claim 10% reservation under EWS quota.

6. Sri Utsav Mishra, learned counsel for the Subordinate Service Selection Commission, on the basis of written instructions, submits that as per the information given by the petitioner in her application form, she had not even applied under EWS quota seeking 10% reservation. He, therefore, submits that since the petitioner has not applied under EWS quota seeking 10% reservation and she has failed to submit the EWS certificate at the time of document verification, her claim for the post of ANM under EWS quota seeking 10% reservation, cannot be considered at this belated stage in view of the judgement and orders passed by a Division Bench and a coordinate Bench of this Court at Allahabad in ***Special Appeal No.839 of 2022, Ved Prakash Singh and 3 others Vs. State of U.P. and 2 others, decided on 1.5.2023*** and in ***Writ-A No.17095 of 2021, Bhujang Bhushan Dubey and 12 others Vs. State of Uttar Pradesh and others, along with other connected writ petitions, decided on 22.11.2022.***

7. In view thereof, I find that the certificate submitted by the petitioner was not as per the requirement of the relevant Government Order dated 18.2.2019 inasmuch as the certificate was issued to the petitioner after the cut off date. Therefore, the

petitioner was rightly not given the benefit of the reservation under 10% quota for the Economically Weaker Section.

8. Thus, the present writ petition being devoid of merit and substance, is ***dismissed***.

Order Date :- 30.5.2023

Rao/-