

Court No. - 8

Case :- WRIT - A No. - 27799 of 2021

Petitioner :- Smt. Anju Devi

Respondent :- Hon Ble High Court Of Judicature At Alld.Thru.R.G. And Ors.

Counsel for Petitioner :- Sanjay Kumar Singh,Mohd. Ali

Counsel for Respondent :- Gaurav Mehrotra

Hon'ble Dinesh Kumar Singh,J.

1. Heard Sri Sanjay Kumar Singh, learned counsel appearing for the petitioner and Sri Shishir Jain, learned Counsel appearing for the High Court.

2. Present petition under Article 226 of the Constitution of India has been filed seeking quashing of the order dated 14.08.2021 passed by Registrar General of this Court whereby representation of the petitioner in compliance of the order dated 24.06.2021 passed in Writ Petition No.12766(SS) of 2021 has been decided and claim of the petitioner for appointment on the post of Sweeper has been rejected on the ground that the petitioner did not claim reservation under 'Women' sub-category though while filling the column of Gender in the application form, she has written her Gender as 'Female'.

3. The High Court issued Advertisement No.1 of 2018 for filling up several Class IV posts such as Sweeper, Cook, Mali, Farrash. The petitioner is not well versed in English and she can only write Hindi, however, the form which was published for making appointment was in English.

4. It appears that the petitioner got her form filled up by some person who knew English reading and writing. Petitioner's application form has been annexed with the writ petition as Annexure-3, which would point out that the form was published in English and the petitioner filled up the form through someone wherein 'Gender' of the petitioner has been mentioned as 'Female'.

5. Admittedly, the petitioner scored 88 marks out of 100 in written examination of Stage-I and she scored 9 marks in Stage-II examination. The petitioner's name does not find mentioned in the final select list. There were 13 vacancies reserved for the 'Women' sub category and when the writ petition was filed by the petitioner, only 6 vacancies were filled up. Under

the 'Women' sub category, last person who got selected has scored 8 marks whereas the petitioner has scored 9 marks.

6. Only ground which has been taken in the impugned order rejecting claim of the petitioner for appointment on the post of Sweeper is that the petitioner did not claim reservation under sub-category 'Women' though the petitioner mentioned her Gender as 'Female'. I find reasoning in the impugned order is untenable and unsustainable as the petitioner has written her Gender as 'Female'. She has to be treated in the 'Women' sub-category. Ignoring the claim of the petitioner and appointing a person below her in the rank, is wholly unjustified, I, therefore, **allow** this writ petition. Order dated 14.08.2021 is hereby quashed.

7. The Registrar General of this Court is directed to give appointment to the petitioner on the post of Sweeper, if there is a vacancy. In case, if there is no vacancy, a supernumerary post may be created for her. Necessary order for appointment of the petitioner be issued within a period of one month from today.

8. Sri Shishir Jain shall communicate this order to the Registrar General of India for necessary compliance.

(Dinesh Kumar Singh, J.)

Order Date :- 7.7.2023
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