

Court No. - 8

Case :- WRIT - A No. - 4817 of 2023

Petitioner :- Bhawna Dwivedi

Respondent :- State Of U.P. Thru. Prin. Secy. Medical Education And 2 Others

Counsel for Petitioner :- Ashish Chaturvedi, Pratiichi Chaturvedi

Counsel for Respondent :- C.S.C., Shubham Tripathi

Hon'ble Dinesh Kumar Singh, J.

1. Heard Sri Ashish Chaturvedi, learned counsel appearing for the petitioner, Sri Diwakar Singh, learned Additional Chief Standing Counsel appearing for the State, Sri Parimal Bhatt holding brief of Sri Abhinav N. Trivedi, learned counsel appearing for opposite party No.2 and Sri Subham Tripathi, learned counsel appearing for opposite party No.3.

2. Present petition under Article 226 of the Constitution of India has been filed seeking quashing of the order dated 17.06.2023 passed by Director General Medical Education & Training, 6th Floor Jawahar Bhawan, Lucknow.

3. The petitioner, who was applicant of Staff Nurse in pursuance to the advertisement dated 10.02.2023 for appointment in Governing/autonomous State mental Colleges, has filed this writ petition impugning the order dated 17.06.2023 whereby during the documents verification, the petitioner has been declared to be not eligible without assigning any reason. The petitioner was successful in the written examination.

4. Learned counsel appearing for respondent No.2 submits that the petitioner had applied under the quota meant for Economic Weaker Section (E.W.S.). She submitted a certificate regarding her belonging to E.W.S. dated 26.05.2023 for the relevant year 2022-23. The certificate would specifically mention that in the financial year 2022-23, family income of the petitioner was less than 8 lakh.

5. The advertisement in pursuance to which the recruitment to the post of Staff Nurse is being made, does not specify that E.W.S. certificate must be made prior to last date of submission of the form. Even otherwise, the petitioner would not have any control over the authority when they would issue the certificate. What is important for determination is that whether the certificate submitted by a candidate in respect of him/her belonging to EWS

is of the relevant year or not. Certificate of the petitioner is of the relevant year i.e. 2022-23 and it would be valid for the next year as well. Merely non selecting the petitioner on the ground that the certificate of income/EWS is after the last date of submission of form is wholly unjustified and illegal.

6. In view thereof, I **allow** the petition and the order dated 17.06.2023 is hereby quashed. I declare the petitioner eligible for appointment on the post of Staff Nurse, if she otherwise comes within the merit of the candidates belonging to EWS category. The respondents are directed to include the name of the petitioner in the merit list and if she has qualified to be appointed in the merit list, she should be appointed on the post of Staff Nurse.

(Dinesh Kumar Singh, J.)

Order Date :- 10.7.2023
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