

Court No. - 8

Case :- WRIT - A No. - 4868 of 2023

Petitioner :- Aditya Nigam And Another

Respondent :- State Of U.P. Thru. Prin. Secy. Karmik Vibhag U.P. Civil Sectt. At Lko. And 2 Others

Counsel for Petitioner :- Amitesh Pratap Singh, Anand Kumar Rai, Naveen Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh, J.

1. Heard Sri Akash Srivastava, learned counsel appearing for the petitioners and learned Additional Chief Standing Counsel appearing for the State.
2. Present petition under Article 226 of the Constitution of India has been filed seeking a writ of mandamus not to give effect to the result declared for recruitment to the post of Computer Operator in the State Government in pursuance to the Advertisement No.25-Pariksha/2016 issued by the U.P. Subordinate Service Selection Commission.
3. Ground which has been taken in the writ petition is that after final result got published a notification dated 05.05.2022 has been issued by the State Government to the effect that besides persons having 'O' Level Certificate recognized by NIELIT (DOEACC) or any other Board, University, U.G.C., AICTE, candidates having qualifications as mentioned in the said Government Order would be eligible for appointment on the post of Computer Operator.
4. Learned counsel appearing for the petitioner submits that on the basis of the aforesaid notification persons having B.Tech, B.Sc. (I.T.) etc., should have been included in the select list.
5. To the aforesaid contention of the learned counsel for the petitioner, Sri Uttam Kumar Srivastava, learned Standing Counsel submits that notification dated 05.05.2022 is prospective in nature. The notification itself provides that this Government Order would be applicable in respect of future recruitment to the post of Computer Operator. None of the candidates, who did not have 'O' Level certificate, has been included in the select list in respect of Advertisement No.25 Exam/2016.
6. Considering the categorical wording of the Government Order dated 05.05.2022 that it would be applicable for future vacancies, this Court does

not find any merit in this writ petition and the same is hereby **dismissed.**

(Dinesh Kumar Singh, J.)

Order Date :- 11.7.2023
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