

Court No. - 8

Case :- WRIT - A No. - 7653 of 2019

Petitioner :- Shatrudhan Chauhan

Respondent :- State Of U.P. Thru Prin.Secy.Home Lucknow And Ors.

Counsel for Petitioner :- Alok Srivastava,Ajay Veer Singh,Satyendra Nath Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh,J.

1. Heard learned counsel for the petitioner and Shri Ashwani Kumar Singh Rathore, learned Standing Counsel appearing for the State-respondents.

2. The present petition under Article 226 of the Constitution of India has been filed seeking quashing of the order dated 17.10.2018 passed in compliance of the judgment and order dated 18.09.2018 in Writ Petition No.26767 (S/S) of 2018 passed by this Court. The said writ petition was disposed of by following order:-

"Heard learned counsel for the petitioner and learned Counsel appearing for the respondents.

With the consent of learned counsel for the parties, the writ petition is finally disposed off.

Learned counsel for the petitioner submits that with regard to the relief sought in the writ petition, the petitioner may be permitted to submit a fresh representation before respondent no.2 which may be directed to be decided within a time frame fixed by this Court to which learned Counsel for the respondents has no objection.

In view of the above, it is provided that in case the petitioner submits a representation within two weeks from today before respondent no.2 then respondent no.2 shall endeavour to decide the same by means of a reasoned and speaking order within a further period of four weeks from the date of submission of the representation along with certified copy of this order.

With the aforesaid direction, writ petition is disposed off."

3. The representation of the petitioner has been considered and rejected. It is said that it was specifically provided that a candidate claiming benefit of reservation should furnish a caste certificate of period between 01.04.2015 to 17.02.2016.

4. Admittedly, the petitioner could not submit the caste certificate of

the said period and he submitted the caste certificate of the period before the said date and after the said date.

5. In view thereof, the petitioner was not treated to be candidate belonging to other backward class category and consequently, he was considered to be a general candidate for which the cut off marks for the post of Constable Civil Police was 406.7 and for the post of Constable P.A.C. was 403.6 as the petitioner could only score 396.43 marks and the caste certificate submitted by him was not of the relevant period, the authorities have correctly treated him to be a candidate belonging to general category and since he did not come within the cut off marks for general category, he has been not found to be selected.

6. Considering the aforesaid facts, I do not find that any error has been committed in passing the impugned order. As per instructions in Clause 5 Sub Clause 5.3 Point No.4 of the advertisement it has been specifically mentioned that the persons claiming the benefit of reservation under any category should submit prescribed caste certificate issued by competent authority between 01.04.2015 to 17.02.2016 but the petitioner could not submit the said certificate within the stipulated time period. This Court cannot issue any direction for declaring the petitioner to be selected in the category of other backward class. The selection is of the year 2015.

7. In view thereof, the present petition is hereby **dismissed**.

(Dinesh Kumar Singh, J.)

Order Date :- 6.7.2023

Piyush/-