

Court No. - 8

Case :- WRIT - A No. - 7314 of 2022

Petitioner :- Poonam Devi

Respondent :- State Of U.P. Thru. Secy. Deptt. Medical Health And Family Welfare, Lko. And 3 Others

Counsel for Petitioner :- Hasan Agha Jafri, Km. Rachna Mishra

Counsel for Respondent :- C.S.C., Raj Kumar Upadhyaya
(R.K. Upadhyaya)

Hon'ble Dinesh Kumar Singh, J.

1. Heard Sri Pankaj Gupta and Ms. Rachana Mishra, learned counsel for the petitioner as well as Sri Tushar Verma, learned Additional Chief Standing Counsel and Sri R.K. Upadhyaya, learned counsel for the Uttar Pradesh Public Service Commission.

2. The present writ petition under Article 226 of the Constitution of India has been filed aggrieved by the order dated 19.10.2022 passed by the Uttar Pradesh Public Service Commission at Prayagraj, whereby the petitioner's selection to the post of Staff Nurse has been declared not selected though earlier she was selected.

3. When the select list was published, the petitioner was given three marks each for two experience certificates submitted by her from the competent authority. However, later on some very eminent experts found that the second certificate dated 12.11.2021 annexed with the counter affidavit as Annexure CA-2 was not issued by the competent authority.

4. As per the relevant Rules, the competent authority is the Chief Medical Officer. From perusal of the said certificate, it is evident that not only the Superintendent, but the Chief Medical Officer has also signed that certificate. Therefore, the sole ground for deducting three marks of the petitioner on the

ground that the second certificate was not issued by the competent authority, is totally belied by any substance. It appears that the very eminent experts have ignored the signature of the Chief Medical Officer while considering the second certificate dated 12.11.2021.

5. Thus, I find that the reasoning for not selecting the petitioner on the post of Staff Nurse, is totally belied by any substance and is wholly arbitrary and it deserves to be quashed.

6. In the result, the present writ petition is ***allowed*** and the order dated 19.10.2022 passed by the Uttar Pradesh Public Service Commission at Prayagraj is hereby quashed. Petitioner is declared to be successful in the selection for the post of Staff Nurse.

7. Let the appointment letter be issued to the petitioner forthwith treating her to be selected.

Order Date :- 11.7.2023

Rao/-