

Court No. - 20

Case :- WRIT - A No. - 7617 of 2023

Petitioner :- Madan Kumar Swarnkar

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Personnel Lko.
And Another

Counsel for Petitioner :- Narayan Dutt Mishra, Raj Kumar Mishra

Counsel for Respondent :- C.S.C., Gaurav Mehrotra, Saurabh Shanker
Srivastava

Hon'ble Manish Mathur, J.

1. Heard learned counsel for petitioner, learned State Counsel appearing on behalf of opposite party no.1 and Mr. Saurabh Shanker Srivastava, learned counsel for opposite party no.2.

2. Petition has been filed seeking a direction to opposite parties to include petitioner's name in the list of selected candidates for the post of Assistant Boring Technician.

3. It has been submitted that vide notification issued in the year 2019, applications were invited for recruitment on the post of Assistant Boring Technician in the Minor Irrigation Department. In pursuance thereof, petitioner had applied for the same considering the fact that while rendering service in the Indian Army, petitioner was awarded Certificate of Technical Proficiency/ Trade Proficiency Certificate on 30.06.2018 which was required to be considered by opposite parties. It is submitted that although petitioner is fully eligible and qualified to hold the post, his name has not been included in the select list.

4. Learned counsel appearing on behalf of opposite party no.2 on the basis of instructions however submits that petitioner is not eligible for the said post since the Proficiency Certificate is not equivalent to the required qualification.

5. However since only a writ of Mandamus has been sought, learned counsel for petitioner submits that he may be granted liberty to prefer representation before concerned authority.

6. In view of aforesaid, considering innocuous prayer being made by learned counsel for petitioner and without entering into the merits of the case petitioner is granted liberty to file a fresh representation before opposite party No.2 i.e. The Secretary Uttar Pradesh Subordinate Service Selection Commission, Lucknow. In case such a representation is filed, the same shall be considered and decided by a reasoned and speaking order within a period of six weeks from the date a certified copy of this order is produced before the said

authority.

7. With the aforesaid observation, petition stands **disposed of**.

Order Date :- 26.10.2023

Subodh/-