

Court No. - 3

Case :- WRIT - C No. - 8674 of 2023

Petitioner :- Jaswant

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Social Welfare U.P. Govt. Lko. And Others

Counsel for Petitioner :- Sudhir Kumar Pandey, Apoorv Dev

Counsel for Respondent :- C.S.C.

Hon'ble Vivek Chaudhary, J.

Hon'ble Manish Kumar, J.

Heard learned counsel for the petitioner and learned Standing Counsel for the State.

Petitioner has approached this Court against the order dated 12.01.2021 issued by the Opposite Party No. 3, whereby allotment of the shop of the petitioner was cancelled. The two grounds taken for cancellation of allotment of the shop is that petitioner is very old person aged about 75 years and he is not running any shop on the same and his caste certificate of being a Scheduled Caste is cancelled.

Learned counsel for the petitioner submits that there is no doubt that petitioner is a very old person but he is running the shop with the help of servants and, therefore, it cannot be said that he is not running the shop. So far as second ground is concerned, he submits that the caste certificate of the petitioner was cancelled by mistake and it stands restored. Copy of the caste certificate dated 27.07.2023 noting the sub-caste of the petitioner as 'Pasi' (Scheduled Caste) is filed along with the writ petition.

Learned Standing Counsel points out in paragraph 14 of the writ petition, petitioner himself has stated that the shop is now meanwhile allotted to one Mr. Vijay Kumar s/o Late Mohan Lal.

In the given facts and circumstances, petitioner is permitted to make a fresh representation to respondent no. 3 i.e. District Manager, U.P. Scheduled Caste Finance and Development Corporation Ltd. Lucknow/District Social Welfare Officer (Development), raising all his grievance, annexing therewith a copy of this writ petition along with annexures and all the documents in support of his claim within a period of two weeks from today along with a certified copy of this order.

In case such a representation is moved by petitioner, respondent no.3 i.e. District Manager, U.P. Scheduled Caste Finance and Development Corporation Ltd.

Lucknow/District Social Welfare Officer (Development), shall consider and decide the same in accordance with law by a reasoned and speaking order within a period of two months from the date a certified copy of this order along with representation is placed before him.

It is made clear that this court has not applied itself on the merits of the case and all questions are left open to be considered and decided by the competent authority in accordance with law.

With the aforesaid directions, present writ petition is disposed of.

(Manish Kumar, J.) (Vivek Chaudhary, J.)

Order Date :- 10.10.2023

Nitesh