

Court No. - 17

Case :- WRIT - C No. - 10869 of 2023

Petitioner :- Khurshida Bano

Respondent :- State Of U.P. Thru. Secy. Food U.P. Lko. And 5 Others

Counsel for Petitioner :- Satish Kumar Sharma

Counsel for Respondent :- C.S.C., Dilip Kumar Pandey

Hon'ble Alok Mathur, J.

1. Heard Sri Satish Kumar Sharma, learned counsel for petitioner as well as learned Standing Counsel for respondent Nos.1 to 4 and Sri Dilip Kumar Pandey, learned counsel for respondent No. 5.

2. In light of the proposed order, notices to respondent No. 6 is dispensed with.

3. It has been submitted by learned counsel for petitioner the process for grant of a fair price shop license for village panchayat Kutubarpur, Vikas Khand and Tahsil Biswan, District Kheri was initiated and a meeting of the gaon sabha was held on 06.11.2023. The petitioner was also an aspirant for grant of the said license and had duly participated in the said process. He has further submitted that a proposal in favour of the petitioner was passed on 06.11.2023 but subsequently another proposal was passed on the same day in favour of respondent No. 6.

4. He has further submitted that the proposal of respondent No. 6 was forwarded by the gaon sabha to the Block Development Officer for duly consideration for grant of fair price shop license. While the proposal of the petitioner was never forwarded. He has further submitted that when the high school certificate of respondent No. 6 was obtained and got verified from the institution, it was found that the same was fabricated as per Annexure No. 6 which is a letter issued by the Administrative Officer of the Madhyamik Shiksha Parishad, Regional Office, Varanasi dated 21.11.2023 where it is stated that the certificate forwarded for verification which was in favour of the Zarina Bano W/o Abdul Salam was not found in the records maintained by the Madhyamik Shiksha Parishad.

5. Learned counsel for petitioner confines his prayer to the extent that while considering the candidature of respondent No.

6, this aspect of the matter which has been forwarded by him which is annexed in letter dated 27.11.2023 addressed to the S.D.M., Tehsil Biswan, District Kheri may be considered.

6. Learned Standing Counsel on the other hand has opposed the writ petition and has submitted that as per written instructions received, the authorities have not yet received the report of the Madhyamik Shiksha Parishad and in case such report is received, it shall be duly considered by the Tehsil Level Committee while considering the proposal in favour of respondent No. 6.

7. In light of the above, the writ petition is disposed of with a direction to the S.D.M./Tehsil Level Committee to duly consider the report of the Madhyamik Shiksha Parishad with regard to the high school certificate of respondent No.6 at the time when they are considering the proposal of the Gaon Sabha dated 06.11.2023.

8. With the aforesaid observations, the writ petition is disposed of.

0(Alok Mathur, J.)

Order Date :- 14.12.2023

Ravi/