

Chief Justice's Court

Case :- SPECIAL APPEAL No. - 391 of 2021

Appellant :- Suman Yadav

Respondent :- State of U.P.Thru Prin.Secy. Panchayati Raj Lko and others

Counsel for Appellant :- Anuj Pandey, Katyayan Mishra

Counsel for Respondent :- C.S.C.,Pankaj Gupta,Rajan Singh,Rakesh Pathak, V.P. Nag (S.C), Rajan Singh (counsel for respondent no.5)

Hon'ble Arun Bhansali,Chief Justice

Hon'ble Jaspreet Singh,J.

1. This appeal is directed against the order dated 14.09.2021 passed by the learned Single Judge in Service Single No.20371 of 2021 whereby the writ petition filed by the appellant has been dismissed. The petition was filed by the petitioner aggrieved of the Resolution dated 01.09.2021 passed by the respondent no.4-Administrative Committee of Village Panchayat Siraula, Vikas Khand, Post-Huzurpur, Tehsil-Kaiserganj District Bahraich.

2. Learned Single Judge, after hearing the parties, based on the fact that the domicile certificate produced by the petitioner was suspicious on account of defect that the same did not bear any house number and the material produced before the Court regarding the petitioner's mother being Village Pradhan of village Bhatikunda and her name not appearing in the voters list of Village Siraula, came to the conclusion that the matter did not require any interference.

3. Feeling aggrieved, the present appeal has been filed.

4. Learned counsel for the appellant reiterated the submissions as made before the learned Single Judge regarding the validity of the resolution passed by the Administrative Committee.

5. Learned counsel appearing for the respondents has pointed out that the engagement pursuant to the selection is based on the Scheme (Annexure-2), which inter alia provides for engagement on contract for a period of one year which can be extended for two years, one year at a time and that the said period is already over.

6. Further submissions have been made that the name of the

appellant entered in the Family Register has already been cancelled by the Competent Authority and, therefore, also the appeal deserves dismissal.

7. Learned counsel for the appellant attempted to make submissions that the order pertaining to the cancellation has not been supplied to the petitioner and that the Domicile Certificate continues to remain in existence, however, the indications made by learned Single Judge, regarding the mother and petitioner herself have not been disputed.

8. In the circumstances of the case, wherein the period of engagement for which the petitioner's candidature was cancelled, has already come to an end in the month of September, 2024 and there has been a variation in the Family Register pertaining to the village in question, we do not find any reason to interfere with the order impugned passed by the learned Single Judge, however, it would be open for the appellant to question the cancellation of the petitioner's name from the Family Register to the village in question in accordance with law.

9. With the above observations, the appeal stands **dismissed**.

Order Date :- 18.12.2024

Harshita/Asheesh/-

(Jaspreet Singh, J.) (Arun Bhansali, C.J.)