

Court No. - 30

Case :- CIVIL MISC REVIEW APPLICATION No. - 170 of 2023

Applicant :- Seema Verma

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Basic Education Lko. And 7 Others

Counsel for Applicant :- Vijay Dixit, Devam Shukla

Hon'ble Om Prakash Shukla, J.

- (1) Heard Shri Vijay Dixit and Shri Devam Shukla, learned Counsel representing the review applicant and Shri Ranvijay Singh, learned Counsel representing the respondents no. 1 to 3.
- (2) This review application under Chapter V Rule 12 of the Allahabad High Court Rules, 1952 has been filed by the applicant, **Seema Verma**, seeking to review the judgment/order dated 08.12.2023 passed by this Court in Writ-A No. 4961 of 2023 : *Seema Verma Vs. State of U.P. and others*.
- (3) Learned Counsel for the review applicant submitted that while passing the judgment under review dated 08.12.2023, this Court had inadvertently overlooked to not grant the benefit of judgment/order dated 20.09.2023 passed by a Co-ordinate Bench of this Court in Writ-A No. 6300 of 2023 annexed as Annexure No. RA-4 to the rejoinder affidavit in Writ-A No. 4961 of 2023 even though the case of the writ petitioner/review applicant is identical to that of the writ petitioner of Writ-A No. 6300 of 2023 (supra).

(4) Learned Counsel for the review applicant drawing attention to the judgment/order dated 20.09.2023 (supra), contended that 10 quality marks as against the spouse of the review applicant, who is working in Central Government (Railway Department), has not been granted to her on the ground that no proof of marriage has been annexed along with the application. According to the learned Counsel, this ground of rejection has been adjudicated by a Co-ordinate Bench of this Court in Writ-A No. 6300 of 2023, wherein in paragraph-7, it has been observed that as per the policy dated 02.06.2023 and 08.06.2023, it was the responsibility of respondents to verify details from Manav Sampada Portal and admittedly, on the Manav Sampada Portal of the petitioner, details of husband of the petitioner was uploaded and with respect to services of husband of the petitioner, the documents were annexed alongwith application. These plea have been taken by the review applicant in rejoinder affidavit filed in writ petition, however, inadvertently, the same has not been considered while passing the judgment under review. Hence, learned Counsel prays that judgment under review dated 08.12.2023 be reviewed to the extent that the benefit of the judgment/order dated 20.09.2023 passed in Writ-A No. 6300 of 2023 may also be extended to the review applicant.

(5) Shri Ranvijay Singh, learned Counsel for the respondents no. 1 to 3, does not dispute the fact that 10 qualify point marks have

not granted to the review applicant on the ground that the review applicant has not submitted her proof of marriage along with the application.

- (6) Having regard to the submissions advanced by the learned Counsel and going through the record of the review applicant and the writ petition available before this Court, apparently, while considering the claim of the review applicant, 10 quality points marks in lieu of the working of husband of the review applicant in the Railway Department, have not been granted on the ground that no proof of marriage has been annexed alongwith application. This issue has been adjudicated and decided vide judgment/order dated 20.09.2023 by a Co-ordinate Bench of this Court in Writ-A No. 6300 of 2023, wherein in paragraph-7, it has been observed as under :-

“7. Considering the submission at the Bar and on perusal of the policy dated 02.06.2023, it is clear that no specific documents which are required to be uploaded in respect of the persons claiming the benefit of ten marks are specified. The clarificatory circular issued on 08.06.2023, makes the responsibility of the respondent to verify the details from Manav Sampada Portal, and to that extent, the submission of the counsel for the petitioner is accepted. It was incumbent upon the respondent to have verified the facts from Manav Sampada Portal. More so, in view of the fact that the petitioner had disclosed the eHRMS code in her form as well as in the certificate as annexed along with form uploaded by the petitioner at the time of filing of the form. Submission of the learned counsel for the respondent that the petitioner had filled the status of her husband as State Government employee, which according to the learned counsel for the respondent was incorrect, merits rejection as two options were available to any candidate i.e. spouse was either employee with the Central

Government or with the State Government. As regards, submission of the counsel for the respondent that Manav Sampada Portal is only for the employees under the Basic Shiksha Parishad also merits rejection as the said portal contains the details of the employees employed with the State Government in various departments. Thus, in view of the provisions of policy, it was incumbent upon the respondent to have verified the details of eHRMS code, which was duly disclosed by the petitioner, which clearly has not been done, as such, the petitioner has been denied the rights of consideration of her transfer in terms of the policy dated 02.06.2023 and the subsequent clarifications issued on 08.06.2023. Thus on that ground the writ petition deserves to be allowed. The matter is remanded back to the respondent to pass a fresh order considering the entitlement of the petitioner on the ground that her spouse is a Government servant and that details can be verified from Manav Sampada Portal in terms of the Code as disclosed by the petitioner. Needless to add that the benefit of transfer policy shall be extended to the petitioner in the event, after the grant of ten marks, the petitioner is above the cut-off marks prescribed for considering the transfer. The said decision shall be taken by the respondent no. 4 within a period of two weeks from today and the consequent directions shall also be extended to the petitioner, subject to verification from Manav Sampada Portal.

8. The writ petition stands allowed in terms of the above."

- (7) Learned Counsel for the review applicant submitted that while filling the form for inter-district transfer, the review applicant had disclosed the detailed of her spouse on Manavsampda portal (eHRMS Code) and in addition to the said disclosure, the service certificate of her husband was uploaded.
- (8) In view of the aforesaid, the judgment under review dated 08.12.2023 passed by this Court in Writ-A No. 4961 of 2023 : *Seema Verma Vs. State of U.P. and others* is reviewed in the following terms :-

“The matter is remanded back to the concerned authority to pass a fresh order considering the entitlement of the review applicant/petitioner on the ground that her spouse is a Government servant and that details can be verified from Manav Sampada Portal in terms of the Code as disclosed by the petitioner while filling the form.

Needless to add that the benefit of transfer policy shall be extended to the petitioner in the event, after the grant of ten marks, the petitioner is above the cut-off marks prescribed for considering the transfer. The said decision shall be taken by the concerned authority within a period of two weeks from the date of receipt of a certified copy of this order and the consequent directions shall also be extended to the review applicant/petitioner, subject to verification from Manav Sampada Portal.

With the aforesaid, Writ-A No. 4961 of 2023 stands **allowed** in terms of the above.”

(9) The review application is, accordingly, **disposed of**.

(Om Prakash Shukla, J.)

Order Date : 26th April, 2024
Ajit/-