



2025:AHC:163687

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Reserved – **09/09/2025**

Delivered – **16/09/2025**

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 24406 OF 2007

Bala Singh

.....Petitioner(s)

Versus

New Okhla Industrial
Development Authority and
Another

.....Respondent(s)

Counsel for Petitioner(s) : S.C. Verma, D. Gaur, Hanuman
Prasad Dube

Counsel for Respondent(s) : U.S. Awasthi, R.P. Singh, Rahul
Sahai, Saurabh Sinha

WITH

WRIT - A NO. 35777/2007

(Smt. Laxmi Devi vs. Chief Executive Officer and others)

Court No. - 5

HON'BLE SAURABH SHYAM SHAMSHERY, J.

Writ - A No. 24406/2007

1. Present writ petition was part of a bunch of other writ petitions being Writ A No. 24404/2007 (Narendra Kumar vs. NOIDA and another), 24405/2007 (Surendra Singh vs. NOIDA and another) and 24408/2007 (Sultan Singh Tomar vs. NOIDA and another) wherein common issue was involved and said writ

petitions were allowed by a Coordinate Bench of this Court vide separate but same judgment dated 01.10.2015. For reference, relevant part of said judgment is quoted below :-

*"The petitioner is stated to belong to the "Buksa" tribe which is specified as a Scheduled Tribe under the Presidential Order issued by virtue of Article 342 of the Constitution of India. Upon creation of the State of Uttaranchal, a separate Presidential Order is stated to have been issued on 9 November 2000 pursuant to which "Buksa" was classified as falling amongst Scheduled Tribes in relation to the State of Utttaranchal also. **Consequently, this Court finds that the "Buksa" tribe stands classified as a Scheduled Tribe both in the State of U.P. as well as in the State of Uttaranchal.** More importantly and which aspect has not been considered or alluded to by the respondents is that the caste certificate of the petitioner is dated 29 September 1998 and had been issued by the Tehsildar, Dehradun at a time when the said territory formed part of the State of Uttar Pradesh. In any view of the matter, it was a caste certificate which had been issued prior to the promulgation of the presidential order under Article 342 of the Constitution of India for the State of Uttaranchal. This Court finds that the second respondent has completely failed to take into consideration any of the pleas which stood enumerated in the reply of the petitioner dated 16 March 2007. **The non-application of mind is stark and evident when the impugned order rests the decision on an ordinance dated 6 June 2002 which admittedly was confined to the classification of "Other Backward Classes" in the State of U.P. The Ordinance, 2002 dated 6 June 2002 was not a Presidential Order with respect to Scheduled***

Tribes referable to Article 342 of the Constitution and obviously therefore could not have formed the basis for deciding the eligibility or otherwise of the petitioner. In light of the above, this Court is of the opinion that the above factors when taken into consideration clearly render the impugned order unsustainable.

Accordingly, this petition shall stand allowed. The impugned order dated 7 May 2007 is hereby quashed. The petitioner shall be entitled to all consequential reliefs. It is however, left open to the respondents to proceed in the matter afresh if so advised, and in such an eventuality fresh proceedings may be drawn up and the respondents may proceed in accordance with law and after affording due opportunity of hearing to the petitioner.

The writ petition stands allowed in the above terms."

2. Aforesaid order was challenged by NOIDA in Special Appeal before Division Bench of this Court which were respectively dismissed vide orders dated 03.01.2017 and 11.04.2017 being barred by laches, without touching merit of the case. For reference, relevant part of order dated 11.04.2017 passed in Special Appeal (D) No. 741/2016 is quoted below :-

"The stamp reporter has proceeded to make a report of delay of 1 years and 32 days. In order to condone the delay an application under Section 5 of the Limitation Act has been moved supported by the affidavit.

This much is also reflected that similarly situated Special Appeal Defective No.804 of 2016 and Special Appeal Defective No.803 of

2016 have already been dismissed by the coordinate Bench of this Court on 3rd January, 2017 on the ground of laches. In view of this, in order to maintain the uniformity in the decision, we also proceed to dismiss the special appeal in question being barred by laches.

The delay condonation application is rejected. Consequently, the special appeal also stands dismissed."

3. Aforesaid orders were further challenged by NOIDA before Supreme Court in Special Leave to Petition (Civil) No. 6331/2018 which was dismissed vide order dated 06.04.2018. For reference, relevant part of said order is quoted below :-

"Delay condoned.

Heard learned counsel for the petitioner and perused the record.

We do not find any ground to interfere with the impugned order. The special leave petition is, accordingly, dismissed.

Pending applications, if any, are also stand disposed of."

4. In the present case, petitioner, a resident of Uttaranchal (Uttarakhand) belonged to *Bhotia* community, which is also a Scheduled Castes community in State of U.P. In normal circumstances, Court may have granted benefit of aforesaid judgment, however, two factors are still adverse to petitioner that all 3 Special Appeals were dismissed on laches and said order was confirmed by Supreme Court whereas earlier also, number of writ petitions were decided having similar issue in favour of writ petitioners therein.

5. The said orders were thereafter challenged by way of Special Appeals in bunch of matters (leading being Special Appeal No. 1995/2013 (New Okhla Industrial Development Authority and another vs. Bhagat Raj Singh and others)) and by a detailed judgment dated 28.05.2014 i.e. before the coordinate Bench passed a judgment in Narendra Kumar (supra). The bunch of Special Appeals were allowed. For reference, relevant part thereof is quoted below :-

“On the aforesaid discussion, we are of the view that the legal position as of now, is not in favour of the respondents, and thus even if they belong to same caste, which is notified as Scheduled Castes both in the State, where they had permanent residence prior to their seeking employment in NOIDA and in the State of U.P., since their caste certificates have been issued to them belonging to Scheduled Castes by the competent authority in the State outside the State of U.P., where they were residing, they were not entitled to benefit of reservation in NOIDA, a statutory authority and instrumentality of the State. The caste certificates obtained by the respondents subsequent to their employment and the caste certificate of their relatives and the allotment letter of land to their parents and grand parents in the State of U.P., would not give them any benefit to protect their employment.

All the special appeals are consequently allowed. The judgment of learned Single Judge is set aside. The appellants, however, will not withdraw or recover the benefits of service, which have been drawn by the respondent, till the date of this judgment.”

6. Aforesaid bunch of matters has only a factual difference that writ petitioners, there were residents of State of New Delhi and Haryana whereas in present case, petitioner was a permanent resident of Uttarakhand (earlier being part of State of U.P.) and certificate issued to him was prior to creation of State of Uttarakhand.

7. Aforesaid judgment was challenged by the said writ petitioners before the Supreme Court which was dismissed vide order dated 10.01.2018.

8. As referred above, orders dated 01.10.2015 passed in Writ Petitions No. 24404, 24405 and 24408 of 2007 were challenged before Division Bench of this Court, however, Special Appeals were dismissed on laches whereas the bunch of Special Appeals filed by NOIDA being leading Special Appeal No. 1995/2013 were allowed on 28.05.2014 and it was upheld up to Supreme Court also, therefore, at this stage, Court will follow the earlier reasoned judgment dated 28.05.2015 passed by Division Bench of this Court upheld up to Supreme Court for two reasons, firstly it was a reasoned order and was prior in time.

9. The question before this Court is whether petitioner could be granted benefit of certificate issued prior to creation of State of Uttarakhand when admittedly, after creation of State of Uttarakhand, petitioner has not renewed his caste certificate as well as admittedly, the petitioner was a resident of State of Uttarakhand when recruitment process was initiated, therefore, reasons assigned by Division Bench of this Court in **NOIDA vs. Bhagat Raj Singh and others (supra)** are squarely applicable in present case.

10. It is also relevant to point out that judgment passed by Division Bench in **NOIDA vs. Bhagat Raj Singh and others (supra)** was prior in time i.e. passed on 28.05.2014 and still it was not brought into notice of the Coordinate Bench who has passed a judgment dated 01.10.2015 in Narendra Kumar (supra) as well as before the Division Bench who had dismissed Special Appeal filed by NOIDA on laches only.

11. In view of above, Court is of the view that relief sought by petitioner in present writ petition cannot be granted.

12. Accordingly, writ petition lacks merit, hence, **dismissed**.

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13. In present writ petition, petitioner was resident of New Delhi and caste certificate was issued from State of Delhi, therefore, reasons assigned in above referred judgment of **NOIDA vs. Bhagat Raj Singh (supra)** are squarely applicable to present case being against the petitioner.

14. In aforesaid circumstances, this Court is of the view that relief sought in present writ petition also cannot be granted.

15. Accordingly, writ petition also lacks merit, hence, **dismissed**.

[SAURABH SHYAM SHAMSHERY, J.]

Dt./- September 16, 2025

N. Sinha