

Court No. - 34

Case :- SPECIAL APPEAL No. - 1505 of 2009

Appellant :- Anil Kumar Singh

Respondent :- State Of U.P. Through Principal Secretary, Shiksha & Others

Counsel for Appellant :- Indrasen Singh Tomar, Satya Prakash Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Sudhir Agarwal, J.

Hon'ble Ajit Kumar, J.

1. Heard Sri Indrasen Singh Tomar, learned counsel for appellant and learned Standing Counsel for State respondents.

2. Pursuant to order dated 8.11.2017, Dr. Savendra Vikram Bahadur Singh, Director, State Counsel for Education, Research and Training (S.C.E.R.T.), U.P. Lucknow and Sri Bhure Lal Principal, District Education and Training Institute, Robertsganj, District-Sonebhadra are present and have also produced original application form of appellant.

3. In original application form Para 7 reservation category was provided. In sub clause (a) there are four categories i.e. General, SC, ST, OBC. After these four categories there is a box in which appellant had to mention name of category to which he belong but instead appellant mark sign (right) in the box and therefore it was not clear as to in which particular category he had applied for. In this regard, Para 7 of application form is quoted hereunder:

“7. आरक्षण वर्ग / श्रेणी

(क) (१) सामान्य (२) अनुसूचित जाति (३) अनुसूचित जनजाति (४) पिछड़ी जाति [✓]”

4. It is in these circumstances application of the petitioner was taken under General Category. Thus learned Single Judge declined to interfere in writ jurisdiction under Article 226 of Constitution of India and writ petition was rightly dismissed.

5. In our view, looking to the above facts, learned Single Judge has rightly dismissed writ petition treating appellant as 'due category candidate' and we do not find any reason to interfere with the judgment under appeal.

5. This appeal lacks merit and is accordingly **dismissed**.

Order Date :- 30.11.2017

S. Thakur