

Court No. - 6

Case :- WRIT - A No. - 7649 of 2020

Petitioner :- Brijesh Kumar

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Shailesh Verma

Counsel for Respondent :- C.S.C.

Hon'ble Pankaj Bhatia,J.

Heard counsel for the parties and perused the record.

The present writ petition has been filed challenging the order dated 5.11.2018 whereby the selection of the petitioner has been cancelled on the ground of pendency of a case against the petitioner vide Case No. 542 of 2018, under Sections 420, 467, 467, 468 and 471 IPC.

The contention of the counsel for the petitioner is that law is very well settled by Supreme Court in the case of Avtar Singh Vs. Union of India and others, 2016 (8) SCC 471, which has not been considered in the light of the said judgment.

On perusal of the impugned order, it is clear that no consideration has been afforded to the mandate of the Avtar Singh (supra). Accordingly, the order dated 5.11.2018 is set aside with liberty to the respondents to pass fresh orders in the light of Avtar Singh (supra) mandate.

The said exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

Copy of the order downloaded from the official

website of this Court shall be treated as certified copy of the order.

Order Date :- 30.7.2021

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