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(2009) 10 AHC CK 0131

Allahabad High Court

Case No: Civil Miscellaneous Writ Petition No. 51674 of 2009

Rama Tripathi (Smt.) APPELLANT

Vs

State of U.P. RESPONDENT

Date of Decision: Oct. 7, 2009

Citation: (2009) 10 AHC CK 0131

Hon'ble Judges: A.P.Sahi, J

Final Decision: Dismissed

Judgement

Amreshwar Pratap Sahi, J.
Heard learned Counsel for the petitioner and the learned Counsel for Basic Shiksha Parishad.

2. The challenge to the impugned order is that Respondent No. 6 could not have been engaged as Shiksha Mitra in view of the Government Order

dated 24.4.2006 which gives benefits to the petitioner. It is further contended that Respondent No. 6 was a Fair Price Shop Licensee which

disqualifies him to be selected as Shiksha Mitra under the Government Order dated 10.10.2005 and other related Government Orders.

3. The matter was contested and the dispute has now been decided by the District Magistrate, Mirzapur, by the impugned order. I have perused

the same and I am of the opinion that none of the grounds as advanced before this Court are tenable in the eyes of law.

4. The Government Order dated 24.4.2006 is not retrospective in the operation and the same has been upheld by not only several decisions of

learned single Judge but also by a Division Bench in the case of Km. Rita Yadav v. State of U.P. and others, (2007) 2 ESC 788. The selection

was admittedly pursuant to an advertisement prior to the issuance of the Government Order dated 24.4.2006, as such, the same would not apply

in the instant case.

5. The second ground in respect of the engagement of Respondent No. 6 as a licensee of a Fair Price Shop also is not a disqualification under the

Government Order. However, the Collector, on an appreciation of the facts brought before him, has recorded that his continuance as a Fair Price

Shop Licensee did not in any way hinder his functioning as Shiksha Mitra and even otherwise the Respondent No. 6 has already given up his

licence and surrendered the same.

6. Accordingly, I do not find any merit in the writ petition so as to warrant interference with the impugned order.

7. The writ petition is dismissed, accordingly. Petition dismissed.