

Deo Kumar Verma and anr. Vs. State of U.P. and ors.

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Court : Allahabad

Decided On : Mar-16-2004

Reported in : (2004)2UPLBEC1754

Judge : Rakesh Tiwari, J.

Acts : [Constitution of India](#) - Article 226

Appeal No. : Civil Misc. Writ Petition No. 8065 of 2004

Appellant : Deo Kumar Verma and anr.

Respondent : State of U.P. and ors.

Advocate for Def. : S.C.

Advocate for Pet/Ap. : A.K. Arya and ;P.R. Maurya, Advs.

Judgement :

Rakesh Tiwari, J.

1. Heard learned Counsel for the parties and perused the record.

2. Brief facts of the case, giving rise to this writ petition, are that an advertisement for appointments on the post of Constable (M) was published in 'Dainik Jagran' dated 7.6.2003 for filling up the back-log vacancies of the post. The petitioners also applied for the post and after qualifying the written examination they were

called for interview on 6.8.2003, which was held on 9.8.2003. The petitioners allege that they were selected and were asked to appear before the Chief Medical Officer, Banda for medical examination vide letters dated 26.8.2003 (Annexures 1 and 2 to the writ petition) sent by the Superintendent of Police, Banda. In pursuance of this letter the petitioners appeared before the Chief Medical Officer, Banda who issued the medical fitness certificates contained in Annexures 3 and 4 to the writ petition. In the said letter of the Superintendent of Police, Banda dated 26.8.2003 Police verification was also sought in respect of character antecedents of the petitioners. In pursuance of the directions of the Superintendent of Police, Banda in his letter dated 26.8.2003, Police State Kotwali, Banda submitted its reports contained in Annexures 5 and 6 to the writ petition wherein the character antecedents of the petitioners were reported to be good. The petitioners further allege that when in spite of their selection and favourable reports in respect of their medical fitness and character antecedents the respondents did not appoint them, they approached the office of respondent No. 3 on 29.8.2003 where they were told that the appointment letters were under preparation.

3. From the averments made in the writ petition itself by the petitioners it appears that under order dated 29.8.2003 of the Chief Secretary (Appointments and Personnel Department), Government of U.P., Lucknow (respondent No. 2) the District Magistrate, Banda issued a letter dated 30.8.2003 to the Superintendent of Police, Banda that a ban has been imposed by the State Government on all the appointments and thus respondent No. 3 was restrained to issue appointment letters in favour of the petitioners for the post of Constable (M). Subsequently under another letter dated 15.1.2004 sent by the Special Secretary, Government of Uttar Pradesh, Lucknow the ban on the appointments has been lifted and the earlier order imposing ban has been cancelled with immediate effect.

4. The grievance of the petitioners is that in spite of lifting of the ban by the State Government they are not being appointed on the post of Constable (M) by the respondents even on their representations dated 19.1.2004 and 11.2.2004 (Annexures 1 and 2) to the supplementary affidavit.

5. This Court cannot issue any mandamus to the respondents under Article 226 of the Constitution commanding them to issue appointment letter in favour of the petitioners for the post of Constable (M). The prayer of the petitioners in this regard is wholly misconceived. However, directions can be given to respondent No. 3 to decide their representations.

6. The writ petition is, therefore, disposed of with the direction to respondent No. 3 to decide the representations made by the petitioners on 19.1.2004 and 11.2.2004 by a reasoned and speaking order in accordance with law within a period of two months from the date of production of certified copy of this order before it by the petitioners annexing therewith true copies of their aforesaid representations.

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