

Court No. - 40

Case :- WRIT - C No. - 33758 of 2023

Petitioner :- Shyam Pyari

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

Counsel for Petitioner :- Ram Chandra Solanki, Prabhat Chandra Maurya

Counsel for Respondent :- C.S.C., Tarun Agrawal

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard Sri Ram Chandra Solanki, learned counsel for the petitioner, Ms. Uttara Bahuguna, learned Additional Chief Standing Counsel for the State respondents and Sri Tarun Agrawal, who accepted notice on behalf of respondent no.2.

2. Brief facts of the case are that the husband of the petitioner while working as Shiksha Mitra was assigned duty in Panchayat Election 2021. He joined the training camp on 12.04.2021 and also performed his duties till 14.04.2021, which is not in dispute. Photo copy of the duty slip of the husband of the petitioner (deceased Jyoti Prakash) is also brought on record along with supplementary affidavit. According to the petitioner, her husband got infected from covid-19 during election duty as a result thereof he died on 15.04.2021.

3. Learned counsel for the petitioner submits that the State Government had issued a Government Order on 01.06.2021 and the claim of the petitioner is to be processed in the light of said Government Order but certainly taking into account the order dated 25.07.2022 passed by division bench of this Court in **Writ-C No.28249 of 2021 (Kusum Lata Yadav vs. State of U.P. and 4 others)**.

4. Learned Additional Chief Standing Counsel and the Counsel, who represents the State Election Commission states that they have no objection, in case, the matter is relegated to the competent authority to decide the claim of the petitioner as per law.

5. Considering the facts and circumstances, without adverting on merits, we **dispose of** the writ petition asking the District Magistrate/District Election Officer, Prayagraj to decide the claim of the petitioner as per law but certainly in the light of the judgement dated 25.07.2022 in **Writ-C No.28249 of 2021 (Kusum Lata Yadav vs. State of U.P. and 4 others)** expeditiously, preferably within a period of six weeks from the date of production of a certified copy of this order.

Order Date :- 30.10.2023

S.P.