

Court No. - 35

Case :- WRIT - A No. - 16150 of 2023

Petitioner :- Smt Kiran Devi

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Jadu Nandan Yadav, Agnivesh

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

1. Heard Sri J.N. Yadav, learned counsel for the writ petitioner and Sri Santosh Kumar, learned Standing Counsel who appears for respondents No. 1 to 2.

2. In view of the order which is being proposed to be passed today, notice is not being issued to the third respondent.

3. The case of the writ petitioner is that one late Jai Ram Singh who was working as Peon in Nehru Post Graduate College Chibbramau, District Kannauj died-in-harness on 26.10.2022. The writ petitioner claims to be the daughter-in-law, whose husband also died on 15.05.2010 transforming her status from wife to widow, she has claimed compassionate appointment. According to the writ petitioner, she is possessed with academic qualifications and she is suitable and there happens to be communication of the second respondent, Regional Higher Education Officer, Kanpur Division Kanpur to the third respondent, Principal/Manager Nehru Post Graduate College Chibbramau, District Kannauj on 21.04.2023 and 21.08.2023 regarding processing of the claim of the writ petitioner for compassionate appointment.

4. Prayer in the present petition is for a direction to the respondents to consider the candidature of the writ petitioner for compassionate appointment.

5. Sri Santosh Kumar, learned Standing Counsel who appears for the respondents submits that the issue as to whether the writ petitioner is entitled to the compassionate appointment, depends upon the applicability of the rules that too creating an avenue for according compassionate appointment to the writ petitioner who claims herself to be the widow and further subject to the eligibility and suitability. According to the learned Standing Counsel, he does not propose to file any response to the writ petition and the writ

petitioner may represent his cause before the second respondent, Regional Higher Education Officer, Kanpur Division, Kanpur who is already ceased on the matter and who shall decide the claim of the writ petitioner.

6. To such a submission, learned counsel for the writ petitioner has no objection and he gracefully accepts the same.

7. Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being disposed of without seeking any response from the respondents granting liberty to the writ petitioner to place his claim before the second respondent, Regional Higher Education Officer, Kanpur Division, Kanpur who shall on the receipt of the same proceed to decide the entitlement of the writ petitioner within a period of three months from the date of production of certified copy of the order strictly in accordance with law. The second respondent shall before taking a conscious decision put to notice the third respondent bearing in mind the applicability of the rule, entitlement of the writ petitioner on the status of a widowed daughter-in-law suitability and the eligibility and other ancillary issues.

8. With the aforesaid observations, the writ petition stands disposed of.

9. Needless to point out that this Court has not adjudicated on the merits of the matter.

Order Date :- 19.10.2023

Rajesh