

Court No. - 40

Case :- WRIT - C No. - 33871 of 2023

Petitioner :- Smt. Pooja

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

Counsel for Petitioner :- Dheeraj Kumar Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Sri Dheeraj Kumar Yadav, learned counsel for the petitioner and Sri Ambrish Shukla, learned Additional Chief Standing Counsel for the State-respondents.

2. The present writ petition is preferred for a direction in the nature of mandamus directing the respondent Nos.2 to decide the claim of the petitioner within a stipulated period and to accord monetary relief to the petitioner under Mukhya Mantri Kisan Evam Sarvhit Vima Yojana.

3. It transpires from the record that the petitioner's husband, on the unfortunate date of 23.02.2019, encountered a fatal road accident at 06:30 P.M., succumbing to the resultant injuries on the very day. Annexure-3 to the writ petition is the death certificate affirming these events. Subsequently, the petitioner, seeking relief under the "Mukhya Mantri Kisan Evam Sarvhit Vima Yojana," submitted a representation before the District Magistrate, Jaunpur on 15.04.2019. Regrettably, the initial response, conveyed through a letter dated 08.01.2020, citing the non-submission of an income certificate within the stipulated time frame as the grounds for denial. In defense, learned counsel for the petitioner passionately argued that the essence of the scheme aims at uplifting the downtrodden and the vulnerable segments of society. It is undisputed that the petitioner's husband met a tragic end due to the documented accident. Furthermore, it is acknowledged that the income certificate, validating her economic status, was eventually issued by the competent authority on 20.06.2019, indicating an annual income of Rs. 36,000/-, a clear indication that she falls within the economically weaker section as defined by the scheme, with a threshold of Rs. 75,000/- per annum. It is crucial to interpret the scheme contextually. The petitioner's timely submission of the claim, coupled with the subsequent issuance of the income certificate, underscores the procedural flaw in the rejection. The rejection, based solely on the initial absence of the income certificate, could have been rectified through due diligence by the authorities, allowing for a fair assessment of her eligibility.

4. Considering the facts and circumstances of the case, we are of the considered opinion that the claim of the petitioner must be approved by the authority considering the object of the scheme, which has been brought by the Government to ameliorate weaker section of the society.

5. Accordingly, **writ petition is disposed of** with a direction to the authority concerned to process the application ignoring the delay and latches forthwith.

Order Date :- 24.11.2023

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