

**Court No. - 40**

**Case :-** WRIT - C No. - 36278 of 2023

**Petitioner :-** Smt. Meena Devi And 10 Others

**Respondent :-** State Of U.P. And 5 Others

**Counsel for Petitioner :-** Bachcha Singh

**Counsel for Respondent :-** C.S.C,Rameshwar Prasad Shukla

**Hon'ble Mahesh Chandra Tripathi,J.**

**Hon'ble Prashant Kumar,J.**

1. Heard learned counsel for the petitioner, Mrs. Uttar Bahuguna, learned standing counsel for the State-respondents and Sri Prem Bahadur Singh, learned counsel holding brief of sri Rameshwar Prasad Shukla, learned counsel for the respondent No.6 - Gram Sabha.

2. This writ petition is preferred for following principal relief:

*"(i) Issue a writ order or direction in the nature of certiorari quashing the impugned order/letter dated 328/Up Zila.Adhi.Court case/ 2023 dated 22.4.2023 passed by respondent no. 3, Sub Divisional Magistrate, Tehsil Bansdih, Distt. Ballia.*

*(ii) Issue a writ order or direction in the nature of mandamus commanding and directing to the respondent no. 2 and 3 to consider the claim of the petitioners as per documents/evidence produced by them and issue the Antyodaya Ration Card to the petitioners eligible persons of the village Adar, Tehsil Bansdih, Block - Beruarbari, District Ballia."*

3. Smt. Meena Devi wife of Harendra Singh And 10 Others have approached this court questioning the validity of the impugned order/ letter No.328/Up-Ziladhikari-Court Case/2023 dated 22.04.2023 whereby the claim of the petitioners for according Antyoday Ration Card has been rejected.

4. Learned counsel for the petitioners states that in response to the order dated 22.02.2023 passed in Writ-C No.37541 of 2022 (Susheela Devi vs. State of U.P. and others), the respondents in most arbitrary manner, have rejected the claim set up by the petitioners without any physical verification and without considering their financial conditions. The said order is arbitrary and liable to be set aside.

5. Mrs. Uttar Bahuguna, learned standing counsel has raised an objection that in response to the aforesaid order dated 22.02.2023, the respondents have considered the financial status of the petitioners and the same has been approved in open meeting of Gram Sabha. She submits that the petitioners cannot press the aforesaid relief as Antyoday Card scheme is accorded only to persons of lower strata of the society, who are financially weak. Once after verification, it was found that they have come out from financial misery, they are not eligible for Antyoday Card and

therefore, impugned order requires no interference.

6. Considering the facts and circumstances of the case, we find that the respondents have considered the financial condition of the petitioners and only thereafter has proceeded to reject the claim set up by the petitioners whereas out of 13 beneficiaries, one beneficiary was found eligible under the Antyoday Card scheme. We do not find any infirmity or illegality in the impugned order, which warrant any interference in writ jurisdiction. Accordingly, the writ petition is **dismissed**.

**Order Date :-** 13.12.2023

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