

Court No. - 35

Case :- WRIT - A No. - 18784 of 2023

Petitioner :- Smt. Suman Devi And Another

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

Counsel for Petitioner :- Utkarsh Singh, Shailja Kant Tripathi

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

Heard Sri Shrey Singh, (AOR No.A/S0342/2020) holding brief of Sri Shailja Kant Tripathi learned counsel for the writ petitioners and Sri Santosh Kumar Mishra, learned Standing Counsel, who appears for respondents 1 and 2.

In view of the order, which is being proposed to be passed today, notices are not being issued to the third and the fourth respondents.

The case of the writ petitioners is that petitioner no.1 is a widow of Shiv Bahadur Singh who was posted in the third respondent institution, Ashok Inter College Sakha, District Fatehpur, who expired during the service period. The petitioner no.1 claims herself to be a legally wedded wife of Shiv Bahadur Singh blessed with one son namely Himanchal Pratap Singh and five daughters, Pushpa Devi, Riyanka Devi, Priyanka Devi, Guddan Devi. It is also the case of the writ petitioners that his son Himanchal Pratap Singh since deceased who was working as a Fourth Class employee in the institution in question died in road accident on 10.10.2021. Though he was married to the fourth respondent Smt. Anchal Singh, she left the matrimonial house and she is living her parental house and she has no connection with the writ petitioners. The writ petitioner no.1 further submits that her son Himanchal Pratap Singh has nominated, the petitioner no.2 being a real sister as a nominee.

Prayer in the present petition is for according consideration to the claim of the writ petitioners for compassionate appointment.

Sri Santosh Kumar Mishra, learned Standing Counsel submits that the issues with the writ petitioners are seeking to raise needs determination at the first instance by the District Inspector of Schools, Fatehpur particularly in view of the fact that their happens to be rival claims as on one hand the writ petitioner no.2

stakes her claim for compassionate appointment as where as on the other hand the fourth respondent stakes her claim for compassionate appointment. The contention sought to be raised by the writ petitioners cannot be accepted to be a gospel truth as the same needs determination in that regard. He submits that let the second respondent take a conscious decision in this regard. He further submits that he does not propose to file any response to the writ petition.

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

Considering the submissions of the rival parties as well as stand taken by them, the writ petition is being disposed off without seeking any response from the respondents granting liberty to the writ petitioners to prefer a comprehensive representation along with the self-attested copy of the writ petition before the second respondent, District Inspector of Schools, Fatehpur who shall on the receipt of the same, put to notice to the third and the fourth respondents and other affected parties who would be claiming their rights and thereafter proceed to decide the entitlement of the petitioners strictly in accordance with law within a period of three months from the date of presentation of the certified copy of the order.

Needless to point out that this Court does not pass the order on the merits however the second respondent shall pass an order bearing in mind the entitlement of the writ petitioners, fourth respondent, any other affected parties and after summoning the records and seeing the urgency and immediate need and also the ancillary and incidental issues.

With the aforesaid observation, the writ petition is **disposed off**.

Order Date :- 8.11.2023

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