

Court No. - 20

Case :- WRIT - A No. - 7898 of 2023

Petitioner :- Anjali Singh

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Medical Health And Family Welfare Lko. And 3 Others

Counsel for Petitioner :- Pravin Kumar Singh

Counsel for Respondent :- C.S.C.,Rajnish Ojha

Hon'ble Manish Mathur,J.

1. Heard learned counsel for petitioner and learned State Counsel for opposite parties. Mr. Rajnish Ojha, learned counsel for caveator/complainant has also put in appearance.
2. Petition has been filed challenging order dated 05.09.2023 whereby petitioner working on post of Asha Bahu has been terminated from service on ground of having submitted a false affidavit regarding her date of birth.
3. It has been submitted that impugned order has been passed without issuance of any show cause notice or affording of any opportunity of hearing to petitioner and therefore is completely an ex parte order passed without application of mind.
4. Upon consideration of submissions advanced by learned counsel for petitioner and perusal of material on record, particularly the impugned order, it is quite evident that the order does not indicate issuance of any notice to petitioner or even having afforded any opportunity of hearing to her. The order also does not reveal as to how incorrect date of birth would have any effect in services rendered by petitioner.
5. In view of aforesaid, impugned order dated 05.09.2023 is quashed by issuance of a writ in nature of Certiorari at the admission stage itself granting liberty to opposite parties to pass fresh orders but only after considering reply of petitioner and after affording opportunity of hearing to her. For the said

purpose petitioner shall be reinstated in service and be paid regular honourarium along with arrears.

6. Consequently, the petition succeeds and is **allowed** at the admission stage itself. There shall be no order as to costs.

Order Date :- 12.10.2023

kvg/-