

Court No. - 19

Case :- WRIT - A No. - 9730 of 2023

Petitioner :- Suman Kumari

Respondent :- State Of U.P. Thru. Its Secy. Of Basic Education Lko. And 4 Others

Counsel for Petitioner :- Rankaj Kumar Vishwakarma, Rajesh Singh

Counsel for Respondent :- C.S.C., Ravi Prakash Yadav

Hon'ble Jaspreet Singh, J.

Heard learned counsel for the petitioner. Notice on behalf of respondent nos. 1 and 2 has been accepted by the office of the learned Additional Chief Standing Counsel. Sri Ravi Prakash Yadav, learned counsel has accepted notice on behalf of respondent nos. 3 to 5.

The petitioner has approached this Court seeking a direction in the nature of mandamus commanding the respondents to consider the candidature for dying-in-harness in terms of Dying In Harness Rules, 1974.

The submission of learned counsel for the petitioner is that the husband of the petitioner expired while in service on 18.12.2019. The petitioner has moved an application on the On-line Portal on 15.06.2023 seeking compassionate appointment, however, the respondents have not taken any decision.

Considering the nature of the dispute as well as the fact that the petitioner has already applied and a decision has yet to be taken by the Competent Authority.

Accordingly, considering the facts and circumstances, this Court is of the opinion that no gainful purpose will be served in keeping the aforesaid petition pending rather ends of justice can be served by directing the respondent No.3 to consider and finally decide the pending application of the petitioner most expeditiously, affording full opportunity of hearing to the parties, preferably within a period of six months from the date an authenticated copy of this order is placed before the authority concerned.

It is made clear that the Court has not examined the case of either of the parties on merits and the authority concerned shall be free to decide the matter strictly in accordance with law.

With the aforesaid, the petition is **disposed of**.

Order Date :- 19.12.2023/Asheesh