

Court No. - 2

Case :- WRIT - C No. - 6019 of 2025

Petitioner :- Shweta Pal And 11 Others

Respondent :- State Of U.P. Thru. Prin. Secy. Medical Education Anubha 3 Lko. And 6 Others

Counsel for Petitioner :- Arun Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur,J.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard Sri Arun Kumar, learned counsel for the petitioners as well as learned Standing Counsel for the respondents.

2. Petitioners in the present writ petition are working on various posts under the supervision of Chief Medical Officer, Siddharthnagar and are residing in Type-I and Type-II houses situated in the premises of Madhav Prasad Tripathi Medical College, Siddharthnagar and usual charges are deducted as per rules. In the meanwhile, decision was taken by the State Government to open a Medical College and the Office of Chief Medical Officer would merge in the said Medical College and the properties which were supervised and managed by the Chief Medical Officer stood merged in the Medical College. The petitioners during their course of employment were allotted Type-I and Type-II residential quarters which they are occupying. In the meanwhile when aforesaid decision was taken by the State Government, certain premises have to be demolished to give way for constructions of new Medical College and even the premises which are being occupied by the petitioners would also be demolished for constructions of the new Medical College.

3. It is next submitted by learned counsel for the petitioners that it is in this regard that the petitioners have orally and in writing were informed about the said decision taken by the State Government for construction of new Medical College and have also been directed to vacate the premises which have been occupied by them. The letter dated 21.05.2025, written by the Principal, Madhav Prasad Tripathi Medical College has been annexed alongwith the present writ petition which indicates that the petitioners have been orally and in writing informed about the said decision taken by the State Government and have been asked to vacate the premises, but despite aforesaid, they have not vacated the premises and accordingly, they have again been

asked to immediately vacate the said premises, failing which coercive methods would be adopted for getting the premises vacated.

4. Learned counsel for the petitioners further submits that petitioner no.1 is a pregnant lady and therefore, she should be allowed to continue to live in the premises allotted to her. The remaining petitioners have also stated that they have been duly allotted the said premises during their tenure of working under the Chief Medical Officer, Siddharthnagar and therefore they could not be asked to vacate the official accommodation, accordingly, petitioners have assailed the orders dated 23.05.2025 and 24.05.2025, by which eviction orders have been passed and they have been directed to vacate the said premises within three days.

5. Learned Standing Counsel on the other hand has opposed the writ petition and has submitted that the premises were allotted to the petitioners only during their service in the office of Chief Medical Officer, Siddharthnagar and their allotment is subject to various orders passed by the State Government from time to time. He has submitted that once decision has been taken by the State Government to construct a Medical College on the premises on which the petitioners are residing, then public interest have to give way to private interest of the petitioners and once orders for their eviction have been passed, it is incumbent upon the petitioners to immediately vacate the said premises. Learned Standing counsel has further submitted that the petitioners would not be prejudiced by the eviction orders inasmuch as, they are entitled for house rent allowance, as they are working as Government Servants.

6. Heard learned counsel for the parties and perused the record.

7. In the aforesaid circumstances, this Court had directed learned Standing Counsel to inform us as to within which time period the said premises are sought to be demolished. In this regard written instructions have been received from the Principal, Madhav Prasad Tripathi Medical College, wherein it has been stated that demolition is proposed after 3-4 months.

8. After arguing the matter up to some length, learned counsel for the petitioners submits that some reasonable time may be granted to the petitioners to find out some alternative accommodation and their rights may be protected till then.

9. Accordingly, with the consent of learned counsel for the parties, present writ petition is **disposed of** with following directions :-

(i) The petitioners would be allowed to continue to reside in the said premises for a further period of four months from today.

(ii) The petitioners are directed to give an undertaking to the Principal, Madhav Prasad Tripathi Medical College, Siddharthnagar, within next ten days, that they shall voluntarily vacate the premises on expiry of aforesaid period of four months.

(iii) Accordingly, in any view of the matter, the petitioners shall vacate the premises occupied by them by 01.11.2025.

(iv) In case petitioners do not submit their undertaking as directed by this Court or do not vacate the premises by 01.11.2025, it shall be open for the respondents to adopt coercive measures to get the premises vacated.

Order Date :- 26.6.2025

A. Verma

(Arun Kumar Singh Deshwal, J.) (Alok Mathur, J.)