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**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 14360 of 2025

Anuj Kumar

.....Petitioner(s)

Versus

Honourable Allahabad High Court Thru. Registrar General
And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Rakesh Pathak, Aditya Pratap Singh, Vijay Pathak
Counsel for Respondent(s)	: Shishir Jain

Court No. - 7

HON'BLE MANISH MATHUR, J.

1. Heard Mr. Rakesh Pathak, learned counsel for petitioner and Mr. Vijay Dixit, learned counsel for opposite parties.

2. Petition has been filed challenging order dated 22.09.2025 as well as letter dated 07.07.2023 whereby petitioner's services under Uttar Pradesh Recruitment of Dependants of Government Servants Dying-in-Harness Rules, 1974 [here-in-after referred to as '**Rules of 1974**'] has been terminated on account of the fact that he was unable to obtain the requisite typing speed required for appointment on Class - III post.

3. Since reasons for termination of petitioner's service have been indicated in the impugned order itself, requirement of filing counter affidavit is dispensed with in terms of decision rendered in **Mohinder Singh Gill & others v. Chief Election Commissioner, New Delhi & others**, reported in AIR 1978 SC 851.

4. It has been submitted that earlier petitioner was provided compassionate appointment on a Class - IV post of Farrash on 02.04.2022 and joined on the said post, but subsequently he was promoted on the post of Assistant Clerk through letter dated 22.08.2023 but failed to obtain minimum typing speed required for the said post.

5. It is submitted that since petitioner has been appointed on compassionate basis in terms of Rules of 1974, there was no

occasion for the opposite parties to have terminated services of petitioner altogether, although he was admittedly qualified for holding the Class - IV post of Farrash. It is therefore submitted that merely because petitioner has unqualified for holding a Class - III post, he cannot be terminated from a Class - IV post as well.

6. Learned counsel for opposite parties has not been provided instructions but submits that petitioner was in fact appointed on Class IV post on compassionate basis and in terms of Circulars issued by the High Court, he was provided Class - III post in terms of his educational qualifications but his services have been terminated since he was unable to obtain the requisite typing speed for Class - III post, which was a qualification required for said post.

7. Learned counsel for opposite parties has adverted to the Circular dated 07.07.2023 issued by the High Court regarding considerations/upgradation of compassionate appointment and submits that this was an option provided to such persons who have been provided compassionate appointment and specifically indicates that in case the applicants are unable to acquire the required qualifications in Computer Operations and required speed in typing, even after extend period, their services shall be dispensed with. It is submitted that it is in terms of the aforesaid Circular that petitioner's services have been dispensed with, as evident from impugned order.

8. Upon consideration of submissions advanced by learned counsel for parties and perusal of material on record, particularly the impugned order, it is admitted between the parties that petitioner was granted compassionate appointment on a Class - IV post and thereafter applied for upgradation in terms of his qualification and was thereafter appointed on a Class - III post but failed to acquire requisite typing speed.

9. A perusal of Circular dated 07.07.2023 makes it evident that it contains a stipulation that in case applicant is unable to acquire requisite qualifications for Class - III post on upgraded post, his services would be dispensed with. The Circular is silent with regard to aspect as to whether said person's services on a Class - III post would be dispensed with or services of such an appointee would be

totally dispensed with including that of Class - IV post.

10. In the considered opinion of this Court, once the Circular dated 07.07.2023 pertains to upgradation of post provided to a compassionate appointee and specifically adverts to the fact of dispensing of service, upon the applicant being unable to acquire requisite qualification for upgraded post, such dispensation of service can be relatable only to the upgraded post and not to the post on which such a compassionate appointee was appointed initially particularly when admittedly he fulfills all requisite qualifications required for the post on which he was initially appointed.

11. In view of the aforesaid discussion, it is thus held that the Circular dated 07.07.2023 particularly with regard to dispensation of service of a compassionate appointee would relate to the upgraded post and not to the initial post on which such compassionate appointment was provided.

12. In view thereof, without interfering with the Circular dated 07.07.2023, impugned order dated 22.09.2025 is hereby quashed by issuance of a Writ in the nature of Certiorari, so far as it relates to complete termination of services of petitioner. Since admittedly the petitioner has not been able to obtain requisite qualification on Class - III post and admittedly the petitioner has requisite qualification for Class - IV post on which he was in fact appointed earlier, opposite parties are directed to continue petitioner on Class - IV post of Farrash on which he was initially appointed in the year 2022. Continuity of service on the said post shall also be ensured to the petitioner.

13. Resultantly, petition succeeds and is **allowed** at the admission stage itself. Parties to bear their own costs.

December 16, 2025
lakshman

(Manish Mathur,J.)