2026:AHC:212533

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 15390 of 2026

Chandra Prakash Srivastav

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Kaustubh Tripathi, Saurabh Tripathi, Sr. Advocate
Counsel for Respondent(s)	:	C.S.C.

Court No. - 52

HON'BLE MRS. MANJU RANI CHAUHAN, J.

Heard learned counsel for the petitioner, learned standing counsel for the state respondents and perused the record.

The petitioner has preferred the instant petition challenging the impugned order dated 13.02.2026 passed by the Director of Education (Higher Education), U.P., Lucknow - Respondent No.2, whereby petitioner's claim for appointment as Class-IV employee on compassionate ground has been rejected on the ground that the petitioner being brother of the deceased employee does not come within the ambit of the definition of family as defined under the relevant rules.

Learned counsel for the petitioner submits that petitioner's father, namely, late Shree Prakash Srivastav, who was working as a Class-IV employee in D.A.V. College, Kanpur died in harness on 16.03.1990 leaving behind his wife Smt. Kiran Lata Srivastav and two minor sons, namely, Ajay Prakash Srivastav and Chandra Prakash Srivastav (petitioner). After the death of petitioner's father, namely, Shree Prakash Shrivastav, petitioner's mother Smt. Kiran Lata Srivastav was granted appointment on compassionate ground on 12.10.1990 on a Class-IV post in D.A.V. College, Kanpur pursuant to which she joined on 29.10.1990. Unfortunately, petitioner's mother also passed away on 06.09.1993, whereafter petitioner's elder brother, namely, Ajay Prakash Shrivastav was granted appointment on compassionate ground on 05.09.2000 on a Class-IV post in D.A.V. College, Kanpur pursuant to which he joined on 07.09.2000. While working on the said post he (petitioner's elder brother) died in harness on 18.07.2003 leaving behind unmarried younger brother Chandra Prakash Srivastav (the petitioner). Thus, after attaining the age of majority on 16.08.2005 the petitioner moved an application requesting for appointment on

compassionate ground as he was the dependent of his deceased elder brother, namely, Ajay Prakash Srivastav. Said application has been rejected by the order impugned without hearing the petitioner.

Learned counsel for the petitioner contends that the order impugned is an ex-parte order, even otherwise the ground taken in the impugned order that the petitioner does not fall under the definition of family under the relevant rules is patently illegal. The petitioner is still unmarried and is younger brother of the deceased employee, therefore he is entitled for compassionate appointment. In support of his submission he has relied upon a judgement of Lucknow Bench of this Court dated 16.10.2025 passed in the case of **Devendra Pratap Singh v. State of U.P. and others,** Writ-A No. 34651 of 2018. Copy of the said judgement has been brought on record as Annexure-16 to the writ petition.

Learned Standing Counsel could not dispute the abovementioned facts as placed by the petitioner.

Having heard the submissions advanced by learned counsel for the parties and perusal of record, this Court finds that the ends of justice would be subserved by remitting the matter to the respondent No.2 - Director of Education (Higher Education), U.P., Lucknow to decide the petitioner's grievance in the light of the judgement passed in **Devendra Pratap Singh (supra)**, expeditiously, preferably within a period of one month from the date of production of a certified copy of this order after affording an opportunity of being heard to the petitioner. The impugned order dated 13.02.2026 is quashed.

The writ petition stands allowed accordingly.

No order as to costs.

October 9, 2026
DS

(Mrs. Manju Rani Chauhan,J.)

Digitally signed by :-
DIGAMBER SINGH
High Court of Judicature at Allahabad