

Court No. - 9

Case :- WRIT - A No. - 9969 of 2024

Petitioner :- Radhika Baghel

Respondent :- State Of Up And 3 Others

Counsel for Petitioner :- Ramesh Chandra Dwivedi

Counsel for Respondent :- C.S.C.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ramesh Chandra Dwivedi, the learned counsel for the petitioner and Sri Shailendra Singh, the learned Standing Counsel representing opposite parties no. 1, 2 & 3.

2. By means of the instant writ petition filed under Article 226 of the Constitution of India, the petitioner has sought quashing of order dated 08.04.2024 passed by opposite party no. 2-District Selection Committee, Firozabad rejecting the petitioner's claim for compassionate appointment due to death of her father on the ground that she has not submitted application on the prescribed format within time, her elder sister has not submitted no objection certificate and she has a house measuring 1000 sq. ft. and 0.313 hectare agricultural land.

3. The petitioner had filed Writ A No. 37939 of 2014 aggrieved by non consideration of her application for compassionate appointment, which writ petition was disposed of by means of an order dated 13.07.2014 directing the DIOS to consider the case of the petitioner and pass appropriate order in accordance with law. The DIOS rejected the petitioner's claim by means of an order dated 05.11.2014, which was challenged by the petitioner by filing Writ A No. 4553 of 2015, which was allowed by means of an order dated 13.09.2022 whereby the order dated 05.11.2014 passed by the DIOS was quashed and he was directed to revisit the

petitioner's application irrespective of her marital status, keeping in view the law laid down in the case of Smt. Vimla Srivastava v. State of U.P: 2015 (4) UPLBEC 3388. The DIOS again rejected the petitioner's claim by means of an order dated 30.11.2022 wherein he stated that there is no provision in the Government Order for giving appointment to married daughters. The petitioner again approached this Court by Filing Writ A No. 494 of 2023, which was disposed of by means of an order dated 28.03.2023 whereby the order dated 30.11.2022 passed by the DIOS was quashed and he was directed to examine the financial status of the petitioner and that of her husband.

4. The matter requires consideration.

5. Issue notice to the opposite party no. 4 returnable at an early date.

6. The learned counsel for the petitioner shall take necessary steps in this regard within a period of one week.

7. The opposite parties may file counter affidavit within four weeks. Rejoinder affidavit, if any, shall be filed within two weeks thereafter.

8. List this case in the week commencing 02.09.2024.

Order Date :- 24.7.2024

Pradeep/-