



2026:AHC:165175

HIGH COURT OF JUDICATURE AT ALLAHABAD
WRIT - A No. - 15181 of 2019

Smt. Poonam Jaiswal

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Abhijeet Mukherji, Anand Kumar Srivastava, Rajiv Lochan Dwivedi
Counsel for Respondent(s)	: Ajay Kumar Srivastava, C.S.C., Gaurav Tiwari

Court No. - 34

Sl. No. 115

HON'BLE ANISH KUMAR GUPTA, J.

1. Heard Shri Abhijeet Mukherji, learned counsel for the petitioner, and Shri Rajiv Gupta, learned Additional Chief Standing Counsel for the State.

2. The instant petition was filed with the following prayers:

"I. Issue, a writ, order or direction in the nature of certiorari quashing order dated 29.7.2019 (Annexure No. 13) passed by respondent No. 2.

II. Issue, a writ, order or direction in the nature of mandamus commanding the respondents not to impleadment the order dated 29.7.2019."

3. Briefly stated facts of the case are that after due selection process and on the application submitted by the petitioner, the petitioner was appointed on the post of District Level Social Audit Coordinator on fixed honorarium and fixed travelling and other allowances on contract basis for a period of one year, vide appointment order dated 2.9.2010. Since then, the petitioner continued to work to the satisfaction of the respondents without any complaints from any corner. A complaint was lodged against the petitioner that she has submitted the wrong domicile certificate, as the petitioner was a married lady and was a resident of some other place. It has been alleged that the petitioner has committed serious errors after her selection and different parentage and address has been

provided by the petitioner.

4. In view of the aforesaid complaint received vide show cause notice dated 31.1.2019 the petitioner was called upon to offer her explanation. On 5.2.2019, the petitioner has submitted her detailed explanation to the allegations made against her. Thereupon, vide impugned order dated 29.7.2019, the services of the petitioner were terminated and it has been concluded that the petitioner has changed her application subsequently after her selection. Being aggrieved, the instant writ petition has been filed by the petitioner.

5. Learned counsel for the petitioner submits that the petitioner has categorically mentioned her parentage as the daughter of Shri Vridhi Chand Jaiswal s/o late Laxmi Prasad Jaiswal. Thus, late Laxmi Prasad Jaiswal was the grandfather of the petitioner. However, while issuing the appointment letter, against the name of father/husband, name of his her grandfather late Shri Laxmi Jaiswal has been mentioned by the respondents. Appointment letter is attached at Page 45 of the writ petition and it mentioned only Smt. Poonam Jaiswal D/o Late Laxmi Jaiswal, resident of M/s Bharat Electrical Works, Deoria Road, Deoria.

6. It is the case of the petitioner that after the appointment letter was received by her on 8.9.2010 she had joined and while joining itself she has mentioned that her father's name has been wrongly mentioned as Late Laxmi Jaiswal instead of Shri Vridhi Chand Jaiswal. Copy of the joining report is annexed as Annexure-9 to the instant petition. Therefore, learned counsel for the petitioner submits that at the earliest possible opportunity the petitioner has informed the wrong mentioning of the father's name in the appointment letter and thereafter the petitioner got appointment and has worked satisfactorily and there is no allegation with regard to the performance of the petitioner all throughout. The said complaint has been filed by one Brijesh Kumar Mishra, who was in collusion with her husband with whom the petitioner was having matrimonial dispute and litigation regarding the same was pending in courts. Due to the aforesaid matrimonial dispute the petitioner was residing at the time of appointment with her father. Thus only on the basis of the said complaint the show

cause notice was issued which was duly replied by the petitioner, and thereupon, the impugned order has been erroneously passed, wherein it has been held that the petitioner has changed the application.

7. Learned counsel for the petitioner has relied upon the copy of the application which was submitted by the petitioner, which has been placed on record as Annexure -3 to the instant petition at page 35 wherein she has categorically mentioned her father's name as Vridhi Chand Jaiswal s/o Laxmi Prasad Jaiswal, therefore, learned counsel submits that there was no illegality or mistake committed or any concealment done by the petitioner at the time of her appointment by submitting the application. However, it appears that due to some clerical mistake in entering the data with regard to the application instead of name of her father as Vridhi Chand Jaiswal name of her grand father was recorded at sl. no. 247 of the applications received. In such feeding the petitioner was not having any role, therefore, learned counsel for the petitioner submits that the impugned order is highly erroneous and without any basis and without there being any fault on the part of the petitioner. Therefore, he seeks quashing of the impugned order dated 29.7.2019.

8. Per contra, learned counsel for the respondent, Additional Chief Standing Counsel for the respondent, submits the impugned order has been passed after due opportunity to the petitioner and detailed impugned order has been passed after examining the entire record of the selection of the petitioner, and thereupon the selection of the petitioner has been cancelled by the impugned order.

9. Having heard the rival submissions so made by learned counsel for the parties, this court has carefully gone through the record of the case. From perusal of the application form submitted by the petitioner, it is apparent that the petitioner has mentioned the name of his father as Vridhi Chand Jaiswal as well as name of grandfather was also mentioned as late Laxmi Prasad Jaiswal. Thus, it appears that while feeding the details of the application, against the name of the petitioner's father's/husband's the name of late Laxmi Prasad Jaiswal, who was the grandfather of the petitioner has been entered and on the basis of the aforesaid entry, the

appointment letter was also issued in the name of the petitioner as daughter of late Laxmi Jaiswal, whereas late Laxmi Prasad Jaiswal was actually the grandfather of the petitioner. The aforesaid error has occurred while entering the details of the application by the respondents. Otherwise also in all other documents which were submitted by the petitioner with regard to the caste certificate, domicile certificate, etc., the name of her father is categorically mentioned as Vridhi Chand Jaiswal. In such view of the matter, the reliance placed in the impugned order by the respondents is on the wrong feeding done at serial number 247, wherein the name of the grandfather has been recorded and the petitioner cannot be attributed any role in the wrong feeding by the respondents.

10. In such view of the matter, the impugned order passed on the basis of the aforesaid wrong entry made by the respondents, the petitioner cannot be held responsible for the same. Therefore, the impugned order dated 29.7.2019 is unjustified, and is hereby set aside. Consequently, the instant writ petition is **allowed**.

11. In the counter affidavit, no stand has been taken on behalf of the respondent that in place of the petitioner, anybody else has been appointed. In such view of the matter, the petitioner is directed to be reinstated within 4 weeks from the date of communication of this order. However, since the instant post is only honorary post, and admittedly, the petitioner has not worked, though due to the fault on the part of the respondents in passing the impugned order, in such view of the matter, the petitioner shall not be entitled for the honorarium for the interregnum period from the date of the impugned order till the date of reinstatement. However, from the date of reinstatement, all consequential benefits available to the petitioner shall be granted including continuity in service, except the payment of honorarium for the aforesaid period.

(Anish Kumar Gupta,J.)

August 5, 2026

o.k.