



2026:AHC:164193

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 28694 of 2017

Smt. Maya

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ram Chandra Yadav, Ramesh Chandra Dwivedi, Yash Pratap Singh, Yogendra Yadav
Counsel for Respondent(s)	:	C.S.C.

Court No. - 34

(SN.89)

HON'BLE ANISH KUMAR GUPTA, J.

1. Heard Sri Ramesh Chand Dwivedi, learned counsel for the petitioner and Sri Rajiv Gupta, learned Additional Chief Standing Counsel for the State.

2. The instant petition has been filed by the petitioner challenging the order dated 01.03.2017, whereby the services of the petitioner's husband, namely Sri Harish Chand Yadav were terminated with immediate effect on the basis of a complaint received from one Sri Mohan Yadav, with regard to the date of birth of the petitioner, which was recorded in the service book of the petitioner as 01.07.1966 and on verification of the document regarding the birth certificate, which was the transfer certificate issued by Town Inter-College, Mohamdabad Gohna, Azamgarh.

3. It was reported by the Principal of the said Inter College that according to the record of the college, the actual date of birth of the petitioner's husband was 01.07.1956. After the aforesaid impugned order was passed, the husband of the petitioner had died on 17.04.2017, therefore, the instant petition has been filed by the wife of the said Harish Chand Yadav, seeking quashing of the order dated 01.03.2017 on the ground that before passing the said order, no opportunity of hearing or any notice has ever been issued to the petitioner's husband. Straightaway, on the complaint made by the respondent, Mohan Yadav, the ex-parte inquiry

was conducted and thereafter, the impugned order has been passed behind the back of the husband of the petitioner. Had an opportunity been granted to the petitioner's husband would have clarified the situation that his actual birth date of birth is 01.07.1956 not 01.07.1966 as is being claimed on the basis of a transfer certificate, which has been annexed along with the Annexure CA-4 at page 16 of the counter-affidavit.

4. The stand of the petitioner is that the alleged complainant, namely Mohan Yadav, who is the neighbor of the petitioner, had illegally encroached the public utility land, which is recorded as pond and regarding which a PIL was filed before this Court by the husband of the petitioner, being PIL No. 36309 of 2016 and thereafter, a Contempt Application (Civil) No. 706 of 2017 was also filed by the husband of the petitioner. Being annoyed by this, the said Mohan Yadav, has made the so-called complaint dated 16.01.2017 against the petitioner's husband, in which the ex-parte inquiry was conducted and without giving any opportunity whatsoever to the husband of the petitioner, the impugned order has been passed. In such view of the matter, the learned counsel for the petitioner seeks quashing of the order dated 01.03.2017 and prays for all consequential benefits to the petitioner in accordance with law.

5. Learned Additional Chief Standing Counsel for the State is not in a position to suggest that before passing the impugned order, any notice or any opportunity of hearing was ever granted to the husband of the petitioner on the basis of the counter-affidavit filed in the instant. In such view of the matter, in this regard, the petitioner has specifically pleaded in the para 24 of the writ petition that no notice or opportunity was ever granted to the husband of the petitioner and there is no specific reply to the aforesaid paragraph 24, except a simple denial by the respondents. In such view of the matter, it is apparent that the impugned order was passed without affording any opportunity of hearing to the petitioner's husband. With regard to the aforesaid act of forgery of the said document, wherein the date of birth of the petitioner was shown as 01.07.1966, an FIR was also lodged against the husband of the petitioner on 29.03.2017 and the proceeding thereof stood abated due to the death of the husband of the petitioner.

6. In such view of the matter, since no notice or opportunity of hearing was ever granted to the petitioner, therefore, the impugned order dated 01.03.2017 is in clear violation of principle of natural justice. Accordingly, the same is hereby ***quashed***. Consequently, the petitioner shall be entitled for all consequential benefits in accordance with law treating the husband of the petitioner retired/superannuated w.e.f. 30.06.2016, within a period of eight weeks from the date of production of certified copy of this order.

7. The writ petition is ***allowed*** accordingly.

(Anish Kumar Gupta,J.)

August 5, 2026
Shubham Arya