



2026:AHC-LKO:10165-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL No. - 68 of 2026

Kiran Singh

.....Appellant(s)

Versus

The State Of U.P. Thru. The Director Bal Vikas
Evam Pushtahar Lko. And 5 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Gopesh Tripathi, Hrishabh Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 1

HON'BLE RAJAN ROY, J.

HON'BLE ABDHESH KUMAR CHAUDHARY, J.

1. Heard.

2. This appeal under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952 has been filed against the judgment and order dated 28.10.2025 passed in Writ A No.12460 of 2025 (Kiran Singh Vs. State of U.P. and Others).

3. After hearing the parties what comes out is that, the writ petition challenging the selection dated 21.10.2024 was flawed at least on two grounds, firstly; denial of benefit of being handicap in the selection process as also denial of preference on account of being a Below Poverty Line (BPL) card holder. We find that the learned Single Judge has only considered the challenge so far as it was based on the disability status of the appellant-petitioner and has found no merit in it on the ground that while applying for selection, the appellant-petitioner did not disclose her disability status, therefore, obviously, the State could not be faulted for not having extended the said benefit to the appellant-petitioner. Learned Single Judge has not considered the other ground based on the claim of the appellant-petitioner to be a BPL card holder who were to be given preference in the selection process, as claimed, in terms of the conditions of advertisement which are contained in point No.3 (ग)(iii) of the Government Order dated 21.03.2023.

4. While we do not find any error in the impugned judgment in so far as it rejects the writ petition raising a challenge to the selection process on the ground that benefit of disability not having been extended to the appellant-petitioner as she did not apply under the said category, we do find the impugned judgment to be erroneous in so far as it does not consider the other ground especially as it is the contention of the appellant-petitioner that the appellant-petitioner was incorrectly treated Above Poverty Line (APL) card holder which was a factual error on the part of the State.

5. Without expressing any opinion on the merits of the claim raised by the appellant-petitioner we set aside the impugned judgment and remand the matter back for a consideration afresh but only of the question as to whether the appellant-petitioner was entitled to preference in terms of point No.3(ग)(iii) of the Government Order dated 21.03.2023 under which residents of the Gram Sabha/Ward, as the case may be, who were BPL card holders were to be given preference in the event of any Widow/Divorcee/Abandoned Women of the same category was not available.

6. The appeal is **allowed in part**. The writ petition stands restored to its original number and shall be listed before the Writ Court on **19.02.2026, as a fresh case** for reconsideration in the light of above and subject to the observations made in this order.

(Abdhesh Kumar Chaudhary,J.) (Rajan Roy,J.)

February 10, 2026

-Piyush-