



2026:AHC:26045

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 972 of 2026

Meena Devi

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ashish Kumar, Santosh Kumar Shukla
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri S.K. Shukla, learned counsel for the writ petitioner and Sri Manish Kumar, learned Standing Counsel for the State.
2. This Court on 28.01.2026 sought instructions from the learned Standing Counsel.
3. Instructions have been produced before the Court under the signature of the District Program Officer, Kanpur Dehat on 03.02.2026.
4. Sri Manish Kumar learned Standing Counsel has made a statement at bar that he is possessed with the instructions and he is in a position to argue the matter and he does not propose to file any affidavit, the writ petition be decided on the basis of the documents available on record. With the consent of the parties, the writ petition is being decided at the fresh stage.
5. The case of the writ petitioner is that she was appointed on the post of Aganwadi Assistant on honorarium in Aganwadi Centre, Hariharpur, Block Rajapur, District Kanpur Dehat on 22.01.2005. Thereafter, an order came to be passed on 29.04.2015 by the Child Development Officer, Rajapur, District Kanpur Dehat, fourth respondent whereby in pursuance of the order passed by the District Program Officer, Kanpur Dehat, the writ petitioner was directed to run the Middle Aganwadi Centre Vikas Nagar, Sikandara Town till regular appointment of Aganwadi Assistant.

Though the writ petitioner was entitled to be absorbed in the post in question but since nothing was done so the writ petitioner preferred Writ-A No. 19103 of 2025 which came to be disposed of on 17.12.2025 requiring the District Program Officer to decide the claim of the writ petitioner by 30.01.2026. However, according to the writ petitioner, the writ petitioner had represented her cause before the respondents on 30.12.2025 and without passing any order therein now on 05.01.2026, the Incharge, the Child Development Project Officer, Rajapur, Kanpur Dehat has proceeded to pass an order whereby the writ petitioner is being sent back to Hariharpur.

6. Questioning the said order, the present writ petition has been preferred.

7. Learned counsel for the writ petitioner has submitted that the order impugned cannot be sustained for the simple reason that once by virtue of the order dated 17.12.2025 passed in Writ-A No. 19103 of 2025. The respondents were required to consider the claim of the writ petitioner for absorption then without passing any order, this way or that way, the writ petitioner could not have been transferred and repatriated to Hariharpur by virtue of the order dated 05.01.2026. He further submits that as per the Government Order dated 21.03.2023 clause 12, the writ petitioner is entitled to be absorbed and posted at a place being her native place or the place where her in-laws are living and in this regard, she seeks to rely upon page 24 so as to content that there happens to be a residency certificate showing the place of residence at Vikas Nagar.

8. Sri Manish Kumar, learned Standing Counsel, on the basis of the instructions so received from his client, has invited the attention towards page 2 of the instructions dated 03.02.2026, according to him, the writ petitioner is show to have been the resident of Hariharpur. According to him, an order for considering the absorption is to be passed.

9. I have heard the submission so made across the bar and perused the record.

10. The writ petitioner had earlier approached this Court while filing Writ-A No. 19103 of 2025 seeking a direction for absorption and post filing of representation, till date no orders have been passed on absorption, however, the writ petitioner has been sent back from Vikas Nagar to Hariharpur. Though the writ petitioner stakes her claim to para 12 of the Government Order dated 21.03.2023 showing the fact that the writ petitioner is the resident of Vikas Nagar but the said aspect has not been considered. Be that as it may, it is for the respondents to make a call and pass an order.

11. Accordingly, the writ petition stands disposed of requiring the writ petitioner to prefer a comprehensive representation before the fourth respondent by **20.02.2026** and on the motion, the authority shall consider the grievance of the writ petitioner and pass appropriate orders within a period of one month thereafter.

12. With the aforesaid observations, the writ petition stands disposed of.

13. Instructions filed today are taken on record and marked as Appendix 'A'.

(Vikas Budhwar,J.)

February 5, 2026

Rajesh