



2026:AHC:58607

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 3378 of 2026

Rita Kumari

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Kunal Shah, Parijat Mishra
Counsel for Respondent(s)	:	C.S.C., Umesh Prasad Singh

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Kunal Shah, learned counsel for the writ petitioner as well as Sri Manish Kumar, learned counsel for the respondent nos. 1 to 4 and Sri Umesh Pratap Singh for Respondent no.5.

2. This Court on 13.03.2026 sought instructions.

3. A statement has been made by Sri Manish Kumar, learned Standing Counsel and Sri Umesh Pratap Singh, learned counsel for Respondent no.5 that they do not propose to file any further affidavit and the writ petition be decided on the basis of the documents available on record.

4. 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 claims herself to be the resident of village Badehra, Tehsil Lalganj, District Mirzapur and she further claims to reside at her matrimonial house in village Lalganj. As per the writ petitioner, the home of the petitioner at village Lalpur was a part of the large joint family set up and limited residential accommodation and thus, in these circumstances, owing to practical difficulty and inconvenience the writ petitioner showed her interest in an establishment of her independent and self-sufficient household and thereafter a decision was taken for construction of a separate dwelling house on their ancestral land situate at village Patehara, Block Halia, Lalganj, District Mirzapur and post construction of a residential house, the writ petitioner is residing at village Patehara since 2018. The writ petitioner after permanently shifting to village Patehara applied for issuance of residence/domicile certificate before the Sub-

Divisional Magistrate, Tehsil Lalganj, District Mirzapur and a residence/domicile certificate came to be issued bearing Registration no. 690202007026 dated 03.09.2000. It is also the case of the writ petitioner that in the year 2021, the competent authority again issued a residence/domicile certificate bearing Registration No. 692212002983 dated 24.02.2021 acknowledging the status of the writ petitioner to be a permanent resident of village Patehara. As per the writ petitioner, recruitment exercise stood undertaken for appointment on the post of Anganbadi Karyakatri in terms of the Government Order dated 21.03.2023. The writ petitioner applied for recruitment for the appointment on the post of Anganbadi Karyakatri in Anganbadi Centre Patehara-III situate at village Patehara, Block Halia, District Mirzapur. Post selection, an appointment order came to be issued by the third respondent, District Development Programme Officer, District Mirzapur appointing the writ petitioner on the post of Anganbadi Karyakatri on 16.04.2025 and the writ petitioner joined the post. As per the writ petitioner, one Mona Pandey daughter of Santosh Pandey, resident of the same village preferred a complaint in the IGRS Portal questioning the entitlement of the appointment of the writ petitioner as Anganbadi Karyakatri objecting to the residence certificate. As per the writ petitioner, the Lekhpal conducted the inquiry and tendered his report dated 29.05.2025 and there was nothing adverse found against the writ petitioner and the complaint remained unsubstantiated. Thereafter another complaint came to be filed on 24.03.2025 by the fifth respondent that the writ petitioner has wrongfully obtained the residence/domicile certificate. A writ petition number “26217 of 2025, Smt. Priti Sharma vs. State of U.P. came to be filed, which came to be disposed of on 27.08.2025 for disposal of the complaint. Thereafter, in pursuance of the order passed by the writ Court, District Magistrate, Mirzapur vide letter dated 15.10.2025 instructed the S.D.M. Tehsil Lalganj, District Mirzapur to decide the complaint of the fifth respondent. It is also the case of the writ petitioner that pursuant to the direction of the S.D.M. Tehsil Lalganj, District Mirzapur, the Revenue Officer conducted an exparte inquiry and tendered an inquiry report dated 06.12.2025. Thereafter, the third respondent, District Programme Officer, Mirzapur issued a notice dated 23.12.2025 accompanied with the copy of the inquiry report dated 06.12.2025 requiring the writ petitioner to submit an explanation within a period of three days. The writ petitioner claims to have tendered his reply on 26.12.2025 questioning the conduct of the inquiry officer to have conducted the exparte inquiry. Another notice came to be

issued by the District Programme Officer, District Mirzapur on 31.12.2025 to which the writ petitioner tendered his reply on 08.01.2026, however, now without considering the reply so submitted by the writ petitioner to the notices, now an impugned order dated 16.01.2026 came to be passed by the District Programme Officer, Mirzapur cancelling the appointment and dispensing with the service of the writ petitioner as Anganbadi Karyakatri.

6. Questioning the same, the present writ petition has been preferred.

7. On 13.03.2026, the following orders have been passed:-

“1. Learned counsel for the writ petitioner to implead Priti Sharma wife of Dinesh Sharma, resident of Village Patehra, Post Bilra Patehra, District Mirzapur as respondent no. 5 during the course of the day.

2. Contention of the learned counsel for the writ petitioner is that the order impugned dated 16.01.2026 cannot be sustained particularly when though show cause notice came to be issued to which the writ petitioner tendered his reply but without considering the contentions so raised in reply to the show cause notice any order impugned has been passed holding that the reply submitted by the writ petitioner is not satisfactory. Learned counsel for the writ petitioner further submits as per the averments contained in para 45 of the writ petition that the domicile certificate has not been cancelled and once the writ petitioner had disputed the findings recorded in the report itself then at least proprietary demanded that the contentions raised by the writ petitioner ought to have been considered.

3. Let instructions/affidavit be filed by learned Standing Counsel and Sri U.P. Singh who appears for the newly impleaded respondent no. 5.

4. Put up this case on 20.03.2026 at 2:00 P.M. in the additional cause list with a clear stipulation that the matter shall not be adjourned on that date.

5. Sri U.P. Singh has made a statement at bar that he possessed with the file and the copy of the writ petition stood served upon him.”

8. Learned counsel for the writ petitioner has submitted that the order dated 16.01.2026 passed by the District Programme Officer, District Mirzapur, third respondent cannot be sustained even for a single moment. Elaborating the said submission, it is contended that there was no occasion for the respondents to have proceeded to draw proceedings against the writ petitioner, particularly when there is no order cancelling the domicile/residence certificate. Learned counsel for the writ petitioner has invited the attention of the Court towards para-42 to 45. Further submission is that pursuant to the direction of the S.D.M. Tehsil Lalganj, District Mirzapur, the Revenue Officials conducted an inquiry and tendered their

report on 06.12.2025, but the said inquiry proceeding is exparte and once show cause notices came to be issued on 23.12.2025, which stood replied on 26.12.2025 and 31.12.2025, which was replied on 08.01.2026, then the author of the order impugned being the District Programme Officer, was under legal obligation to deal with the contentions so raised by the writ petitioner in reply to the notice and the same has not been conveniently skipped out holding that the same is not satisfactory. Contention of learned counsel for the writ petitioner is that in case, the approach so adopted by the respondents is taken to its face value then the very purpose of issuance of show cause notice and asking for a reply/seeking explanation would be redundant exercise.

9. Sri Manish Kumar, learned Standing Counsel as well as Sri Umesh Prasad Singh, who appears for the fifth respondent submit that the order impugned cannot be said to be illegal, particularly when based upon an inquiry so conducted and submission of the report dated 06.12.2025, notices were issued on 23.12.2025 and 31.10.2025 and post submission of the reply by the writ petitioner on 26.12.2025 and 08.01.2026, the order came to be passed. According to them, it would be quite unreasonable for the counsel for the writ petitioner to contend that an order passed in an administrative authority is to be scrutinized as if it is akin to an order passed by the Judicial Authority. Sri Singh, who appears for the fifth respondent submits that at present also, as apparent from the Government records, the writ petitioner is not the resident of the village, based upon which she had been accorded selection as Anganbadi Karyakatri. He further submits that the Respondent no. 5 is at Sl. No.2 in the list itself and once the writ petitioner gets dislodged, then the claim of the Respondent no.5 would stand materialized.

10. I have heard the submissions so made across the Bar and perused the records carefully.

11. Apparently, the writ petitioner herein claims to have been appointed on the post of Anganbadi Karyakatri in pursuance of the Government Order dated 21.03.2023. As per the writ petitioner, the writ petitioner was issued domicile certificate by the competent authority on 03.09.2020 and on 24.02.2021 showing the residence of the writ petitioner at village Patehara. Though as per the writ petitioner, an inquiry stood conducted against the writ petitioner, regarding her domicile certificate/residential certificate on the complaint of Smt. Mona Pandey, which according to the writ petitioner

post submission of the report on 29.05.2025 was found to be unsubstantiated and thereafter, fifth respondent preferred a complaint against non-disposal, a writ petition came to be preferred being Writ Petition No.26217 of 2025, which stood disposed of on 27.08.2025 requiring the respondent to decide the complaint of the writ petitioner pursuant to the direction of the S.D.M. Tehsil Lalganj, Mirzapur, the Revenue Officials conducted an inquiry, which according to the writ petitioner is an exparte, and a report came to be submitted on 06.12.2025. A notice was issued on 23.12.2025, which the writ petitioner claims to have submitted his reply on 26.12.2025 followed by another notice dated 31.12.2025, to which a reply was submitted on 08.01.2026. Plainly and simply, the writ petitioner is questioning the conduct of the respondents in passing the impugned order without considering the contention so raised in reply to the show cause notice, i.e. 08.01.2026.

12. A bare look of the order impugned would go to show that the said order proceeds upon the report dated 06.12.2025 and the fact that the reply so submitted by the writ petitioner on 08.01.2026 to the show cause notice dated 31.12.2025 was found to be unsatisfactory. In the opinion of the Court, something more was required to have been adverted to by the District Programme Officer, District Mirzapur, i.e. as to how and under what circumstances, though in brief, the objections raised by the writ petitioner to the notice was not found to be satisfactory. Though this Court is alive of the fact that the orders passed by administrative authorities cannot be scrutinized on the same yardstick as of a judicial authority, but bare minimum requirement is that there has to be considerations of the contentions raised in the reply to the notice, otherwise, the same would make the issuance of the show cause notice and reply redundant.

13. So much so, the factors, which were mobilized by the writ petitioners while making the submissions that once the domicile or residential certificate is still in existence and it has not been cancelled, thus no proceedings for cancellation of the candidature or for dispensing of the services on the post of Anganbadi Karyakatri could not have been done, has also not been taken note of and considered.

14. Apart from the same, another aspect, which also needs to be addressed by the authorities is the objections raised on behalf of the fifth respondent that the writ petitioner, as per the records available, is not the resident of

village Patehara, since the aforesaid aspect goes to the root of the matter and they are germane, thus the order impugned cannot be sustained.

15. Accordingly, the writ petition is being decided in the following terms:

(a) The order dated 16.01.2026 passed by District Programme Officer, Mirzapur, third respondent is set aside.

(b) Matter stands remitted back to the District Programme Officer, Mirzapur, to pass a fresh order within a period of six weeks.

(c) It shall be open for the fifth respondent to approach the authority to the District Programme Officer, Mirzapur for affording the opportunity to be heard and the said request be also considered by the District Programme Officer, Mirzapur.

(d) Passing of the order may not be construed to be an expression that this Court has adjudicated the merits of the matter, as the competent authority while passing an order shall act in accordance with law with independent application of mind.

16. With the aforesaid observations, the writ petition stands **disposed of**.

March 20, 2026

N.S.Rathour

(Vikas Budhwar,J.)