



2026:AHC:42259

## HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 2818 of 2026

Sushila Kumari

.....Petitioner(s)

Versus

State Of U.P. And 4 Other

.....Respondent(s)

---

|                           |   |                                                         |
|---------------------------|---|---------------------------------------------------------|
| Counsel for Petitioner(s) | : | Khwaja Shamshad Ahmad, Sagheer Ahmad, Shyam Mohan Singh |
| Counsel for Respondent(s) | : | C.S.C.                                                  |

---

**Court No. - 33**

**HON'BLE VIKAS BUDHWAR, J.**

1. Heard Sri Khwaja Shamshad Ahmad, learned counsel for the petitioner and Sri Manish Kumar, learned Standing Counsel, who appears for State-respondents.
2. The counsel for the rival parties have made a joint statement that they do not propose to file any further affidavits thus with the consent of the parties, writ petition is being decided at the fresh stage.
3. The case of the writ petitioner is that the petitioner came to be engaged as Ward Aya by an outsourcing agency /respondent no. 5, however, without putting to notice the petitioner, a punitive order came to be passed on 28.01.2026 by the respondent no. 5/ outsourcing agency dispensing with the services.
4. Questioning the same, the writ petitioner has been filed the present writ petition.
5. Learned counsel for the writ petitioner has submitted that the petitioner's services could not have been dispensed with without putting to notice the petitioner by the outsourcing agency, particularly, when the order impugned is stigmatic in nature and the petitioner's engagement stood dispensed with on 28.01.2026, though the petitioner was engaged by the outsourcing agency on 10.06.2019. Reliance has been placed upon the decision in Writ-A No. 1697 of 2025 (Abhishek Singh v. State of U.P. and 2 others), decided on 11.02.2026 which even in fact follows the judgement of Hon'ble Supreme Court in Jaggo v. Union of India and others; 2024 SCC Online SC 3826.
6. Shri Manish Kumar, learned Standing Counsel while countering the submission so made by the counsel for the petitioner has submitted that the

petition may not be maintainable, particularly, when the engagement of the petitioner has been made by an outsourcing agency being Avani Paridhi Energy and Communications (P) Ltd.

7. I have heard learned counsel for the parties and gone through the records carefully.

8. Apparently, the petitioner was engaged by an outsourcing agency as Ward Aya on 10.06.2019 and the order dated 28.01.2026 has been passed by the outsourcing agency dispensing with the engagement of the petitioner. The objection of the petitioner is that the order passed by the outsourcing agency is in violation of principles of natural justice as the petitioner was not put to notice and further it is stigmatic in nature.

9. In the opinion of the Court, since the engagement of the petitioner had been made through an outsourcing agency and there is no direct relationship of master and servant between the State and the petitioner, thus, the petition at the first instance would not lie.

10. As regards ,the reliance placed upon the judgement in *Jaggo (supra)* and *Abhishek Singh (supra)* are concerned, they may not apply in the present facts of the case, particularly, there is no relationship of master and servant, thus, the remedy lies elsewhere and the petition is not maintainable.

11. Accordingly, the writ petition stands **disposed of** leaving it open for the petitioner to take appropriate legal remedies which are available under law and in case such remedy is availed, this Court is no reason to disbelieve, then the same shall be considered expeditiously.

**February 25, 2026**  
Ashu

**(Vikas Budhwar,J.)**