



2026:AHC:30349

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 16112 of 2025

Smt Binesh Devi

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Santosh Kumar Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Santosh Kumar Singh, learned counsel for the writ petitioner and Sri S.K. Pal, learned Additional Chief Standing Counsel for the State.
2. The case of the writ petitioner is that though the writ petitioner claims to be selected as Aganwadi Karyakatri, however, an order came to be passed by the fourth respondent, District Program Officer, Firozabad on 10.10.2025 seeking to negate the claim of the writ petitioner for according appointment and joining on the premise that on 19/20.11.2025, an order came to be passed by Additional District Magistrate, Finance & Revenue, Firozabad cancelling the income certificate of the husband of the writ petitioner.
3. This Court entertained the writ petition while seeking instructions from the respondents.
4. Learned counsel for the writ petitioner has sought to argue that the order dated 19.11.2025 and 20.11.2025 passed by the Additional District Magistrate, Finance & Revenue cancelling the income certificate was subject matter of challenge in **Writ-C No. 949 of 2026 (Rajmani Yadav Vs. State of U.P.)**, wherein the writ petition came to be allowed on 16.01.2026 and, thus, now the legal impediment stands extinguished particularly when now the writ petitioner is entitled to the benefits of selection as Aganwadi Karyakatri.
5. Sri S.K. Pal, learned Additional Chief Standing Counsel submits that,

in case, the orders cancelling order dated 19/20.11.2025 cancelling the income certificate stands set aside then the matter needs to be re-visited.

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

7. The order dated 10.10.2025 passed by the District Program Officer, Firozabad, proceeds upon the fact that there happens to be an exercise undertaken for cancellation of the income certificate of the husband of the writ petitioner, thus, the writ petitioner is not entitled to the benefits of selection, appointment and joining as Aganwadi Karyakatri. In **Rajmani Yadav (supra)**, a Division Bench of this Court on 16.01.2026 observed as under.-

"1. Heard learned counsel for the petitioner and learned Standing Counsel for the respondents.

2. The petitioner by means of the present writ petition has assailed the impugned orders dated 19.11.2025 and 20.11.2025 passed by the respondent no.3-Additional District Magistrate (F & R), Firozabad on behalf of respondent no.2-District Magistrate, by which he has cancelled the income certificate of the petitioner.

3. Challenging the aforesaid orders, learned counsel for the petitioner has contended that the impugned orders are ex-parte and have been passed without giving any notice and opportunity of hearing to the petitioner. It is further contended that under the relevant provision, it is the Tehsildar who is empowered to grant the income certificate, and also possesses power to cancel the income certificate. It is contended that the District Magistrate is the First Appellate Authority, and therefore, he cannot pass an order of cancellation of income certificate as the right of the petitioner to prefer an appeal is forfeited if the order of cancellation is passed by the District Magistrate.

4. Learned Standing Counsel for the respondents would contend that after summoning the report from the Sub Divisional Magistrate, the District Magistrate has passed the impugned order, therefore, there is no illegality in the impugned order.

5. Be that as it may, perusal of the impugned order reflects that the petitioner was not given any notice and opportunity of hearing before passing the impugned orders.

Further the District Magistrate is the First Appellate Authority under Section 6 of the U.P. Janhit Guarantee Adhiniyam, 2011 and being the First Appellate Authority, he cannot cancel the income certificate which power is vested with the Tehsildar inasmuch as if the power of cancellation of income certificate is exercised by the District Magistrate, that would forfeit the right of the petitioner to prefer an appeal in case of rejection of income certificate or cancellation of income certificate and shall cause serious prejudice to the petitioner. In such view of the fact, the impugned orders cannot be sustained and are hereby set aside.

6. It is open to the competent authority i.e. Tehsildar, to pass appropriate order after giving due notice and opportunity of hearing to the petitioner and after supplying all the materials to be relied upon against the petitioner.

7. Thus, for the reasons given above, the writ petition is allowed with no order as to costs.

8. It is made clear that if there is any concealment of fact by the petitioner in obtaining the present order, the respondents shall have the liberty to file recall application to recall the said order. "

8. Since, now the order cancelling the income certificate stands set aside, thus, the matter needs to be revisited by the authority.

9. Accordingly, the order dated 10.10.2025 passed by the District Program Officer, Firozabad is set aside a direction is issued to the fourth respondent to re-visit the matter in the light of the judgment of the Division Bench in **Rajmani Yadav (supra)** within a period of one month.

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

(Vikas Budhwar,J.)

February 11, 2026

Rajesh