



2026:AHC:55135

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 3681 of 2026

Mohd Mosin

.....Petitioner(s)

Versus

State Of Up And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Mahtab Alam
Counsel for Respondent(s)	:	C.S.C., Jay Prakash Singh

Court No. - 52

HON'BLE MRS. MANJU RANI CHAUHAN, J.

The petitioner has preferred present writ petition with a prayer to direct respondent nos. 2 & 3 to give appointment to the petitioner on compassionate ground on the post of Assistant Teacher under the provisions of U.P. Recruitment of Dependents of Government Servants Dying-in-Harness Rules, 1974 (for short, "the Rules, 1974"), and to direct the respondent no. 2 to consider the claim of the petitioner to appoint him on compassionate ground.

Placing the brief facts of the case, learned counsel for the petitioner submits that Noor Jahan Begum was legally married wife of Syed Mohd. Fazil Hussain. Noor Jahan was appointed as Assistant Teacher in the year 1985 and she died-in-harness on 06.08.1998. After the death of Noor Jahan Begum, husband of the deceased applied for family pension before the competent authority. The authorities without considering Syed Mohd. Fazil Hussain as husband of Noor Jahan, rejected the claim of Syed Mohd. Fazil Hussain (petitioner's father). Aggrieved by the said, Civil Misc. Writ Petition No. 26064 of 2009 was filed before this Court, which was disposed of by order dated 17.01.2024 with a direction that in case any subsequent application is filed, the respondent concerned shall take all endeavours to decide the same by a reasoned decision, expeditiously, in accordance with law.

In compliance of the aforesaid order, the District Basic Education Officer, Saharanpur has passed order dated 09.09.2025 accepting the claim of petitioner's father, accordingly, family pension was granted in favour of

the petitioner's father Syed Mohd. Fazil Hussain on 06.12.2025. The document regarding payment of family pension has been placed, wherein total amount of Rs. 82,368/- has been distributed amongst Syed Mohd. Fazil Hussain (mentioned as husband), Smt. Nazuk Jahan (mentioned as daughter), Mohd. Asif (mentioned as son), Mohd. Mosin (mentioned as son), which is towards family pension.

Learned counsel for the petitioner submits that from the aforesaid, it is clear that the petitioner who was son of Syed Mohd Fazil Hussain and stepson of Noor Jahan was treated as entitled for family pension. Accordingly, the petitioner comes within the ambit of 'family' as defined under Rule-2(c) of the Rules, 1974. The petitioner being fully qualified and educated for being appointed as Assistant Teacher under the Rules, 1974, moved an application dated 17.02.2026 before the respondent no. 3 for considering his appointment on the post of Assistant Teacher. The same is pending consideration before the respondent no. 3, therefore, a direction may be issued to respondent no. 3 to decide the same within some stipulated period.

Learned counsel for the respondent no. 3 submits that from the record it is clear that the application for appointment on compassionate ground has been moved for the first time in the year 2026 after a lapse of about 28 years since the date of death of Noor Jahan (stepmother of the petitioner) in the year 1998, however, there is no whisper about the delay in filing the said application. He further submits that from the documents as annexed as Annexure No. 3, the petitioner has also been paid family pension, therefore, there is nothing on record to show that the petitioner suffers from any financial hardship.

From the order dated 09.09.2025 passed by District Basic Education Officer, Saharanpur, annexed at Page-15 of the writ petition, while complying with the directions of this Court issued by order dated 17.01.2024 passed in Writ-A No. 26064 of 2009, mentions about two certificates, wherein, in one of the documents dated 14.12.1998 only petitioner's father, namely, Syed Mohd. Fazil Hussain (45 years) is shown as the only family member of the deceased Noor Jahan, however, in another letter as issued by the District Magistrate dated 29.03.2005 six

persons have been shown as family members of the deceased Noor Jahan, namely, Syed Mohd. Fazil Hussain (husband) and five stepsons without mentioning about the name of Smt. Nazuk Jahan, who has received family pension and is shown as daughter in the document dated 06.12.2025.

The record reveals that in the application dated 05.01.2026 moved by the petitioner, claiming himself to be stepson of the deceased Noor Jahan, details of some earlier writ petition have been mentioned, which have not been disclosed in the writ petition.

Having considered the submissions advanced by learned counsel for the parties and perusal of record, this Court finds that the petitioner has failed to make out any case in his favour.

The writ petition is devoid of merit and is dismissed accordingly.

No order as to costs.

(Mrs. Manju Rani Chauhan,J.)

March 18, 2026

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