

Court No. - 18

Case :- WRIT - A No. - 6975 of 2025

Petitioner :- Dolly Rani

Respondent :- State Of U.P. Thru. Secy. Agriculture Marketing And Foreign Trade Deptt. Lko. And 4 Others

Counsel for Petitioner :- Digvijay Singh Yadav, Dolly

Counsel for Respondent :- C.S.C., Naresh Chandra Mehrotra

Hon'ble Manish Mathur, J.

1. Heard learned counsel for petitioner and learned State Counsel for opposite parties 1 to 4 and Mr. Neeraj Kumar Baghel and Mr. Piyush Pathak learned counsel for opposite party No. 5 who has filed his power alongwith counter affidavit which is taken on record.

2. Petition has been filed challenging order dated 5th April, 2025 whereby petitioner's application for compassionate appointment in place of her alleged husband late Neeraj Giri has been rejected.

3. It has been submitted that late Neeraj Giri was a Junior Assistant in the department of Agriculture and had been married to the opposite party No.5, Smt. Shital whereafter he divorced her and married petitioner on 28th June, 2021 whereafter he committed suicide on 18th March, 2025.

4. It is submitted that in view of the fact that petitioner is the only surviving wife of the deceased, she gave an application seeking compassionate appointment which has been rejected by the impugned order. It is therefore submitted that when petitioner had submitted documentary evidence proving her marriage with Neeraj Giri, the same was required to be taken into account by the opposite parties which has not been done.

5. Learned counsel for opposite party No.5 has refuted submissions advanced by learned counsel for petitioner with submission that it is admitted that answering opposite party was a legally wedded wife of Neeraj Giri and that there was no divorce between them and therefore the alleged marriage between petitioner and Neeraj Giri was void due to which her application has been rightly rejected. It is submitted that the answering opposite party has also submitted an application for compassionate appointment which is yet pending consideration.

6. Upon consideration of submissions advanced by learned counsel for parties and perusal of material on record, it is

evident from averments made in paragraph 4 and 8 of the writ petition that late Neeraj Giri during his life time was married to opposite party No.5 Smt. Sheetal and although it has been stated that the two had divorced there is no document brought on record to corroborate the submission of a divorce having been effected between opposite party No.5 and Neeraj Giri. The aspect of two having divorced appears to be based only on the basis of a stamp paper indicating divorce between the two. No such stamp paper has been brought on record and even otherwise divorce between a married Hindu couple can be effected only in terms of Section 13 of the Hindu Marriage Act 1955 and not otherwise.

7. The petitioner having not been able to produce any order of any competent court in terms of aforesaid procedure is thus unable to corroborate the allegation that the opposite party No.5 and the deceased were divorced.

8. In such circumstances, it can not be inferred that the opposite party No.5 and the deceased were ever divorced. The same reasoning has also been adopted in the impugned order dated 5th April, 2025 which also indicates that petitioner's name is not indicated either in the service book of deceased or even as a nominee in his benefits.

9. The documents annexed by petitioner indicating her Marriage with the deceased is clearly based only on a certificate issued by the Arya Samaj Mandir concerned. The same aspect has already been adjudicated by Co-ordinate Bench of this Court in the cases of Dolly Rani versus Manish Kumar Chanchal (2025) 2 SCC 587 and Shruti Agnihotri versus Anand Kumar Srivastava 2024 SCC OnLine All 3701 whereby such a certificate has not been deemed to be a valid certificate of marriage.

10. Considering aforeaid facts and circumstances, this Court does not find any good ground to grant indulgence to petitioner. The petition resultantly fails and is dismissed. Parties to bear their own costs.

Order Date :- 15.7.2025

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