



2026:AHC:174363

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 6980 of 2022

Sandhya Yadav

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Bramh Narayan Singh, Siddharth Khare
Counsel for Respondent(s)	: C.S.C.

Court No. - 34

(SN.164)

AFR

HON'BLE ANISH KUMAR GUPTA, J.

1. Heard Sri Siddharth Khare, learned counsel for the petitioner and Sri Rajiv Gupta, learned Additional Chief Standing Counsel for the State.
2. The instant writ petition has been filed by the petitioner seeking quashing of the order dated 09.11.2021 passed by the Superintendent of Police, Bulandshahr, whereby the claim of the petitioner for compassionate appointment due to the death of the petitioner's husband, prior to the appointment letter was issued, was rejected. Being aggrieved, the instant writ petition has been filed by the petitioner.
3. The briefly stated facts of the case are that pursuant to an advertisement issued in October 2018 for selection of the post of Constables through direct recruitment in Civil Police as well as PAC, the husband of the petitioner has applied and qualified the written test and has appeared in the Physical Efficiency Test held on 29.12.2019 and later, in the medical examination, which was held on 07.03.2021 and thereafter the select list was also published in which the husband of the petitioner was declared selected. However, before the appointment letter was issued on 05.06.2021, the husband of the petitioner has died on 30.04.2021.
4. In view of the aforesaid facts, the petitioner herein had applied for compassionate appointment in view of the selection of the petitioner as constable and finally, the appointment letter was issued in favor of the husband of the petitioner on 05.06.2021.
5. Learned counsel for the petitioner submits that since the petitioner was finally selected and there was delay in the selection process which started

in 2018, had the selection process been completed prior in time, the husband of the petitioner would have joined as constable before his death and consequently, he would have been the Government servant. As such, the petitioner would have been entitled for claiming the compassionate appointment being dependent of such Government servant. However, the claim of the petitioner for compassionate appointment has erroneously been rejected by the Superintendent of Police, Bulandshahr vide impugned order dated 09.11.2021. Being aggrieved, the instant writ petition has been filed by the petitioner.

6. Learned counsel for the petitioner has relied upon the interim order dated 25.04.2013, passed in ***Vandana Devi vs. State of U.P. and 3 Ors. (Writ-A No. 22449 of 2013)*** and the final order passed in ***Moni Devi vs. State of U.P. and Ors. (Writ-A No. 4216 of 2014)*** on 07.02.2018, reported in ***2018 (5) ADJ 456***.

7. Learned counsel for the petitioner submits that due to such delay in issuing the appointment letter, in the identical circumstances where the candidates have died, their dependents have been given appointment on compassionate basis by this Court. Therefore, the petitioner claims the parity with the aforesaid judgments and claims that the petitioner be also granted the similar benefit and given appointment on compassionate basis.

8. *Per contra*, Sri Rajiv Gupta, learned Additional Chief Standing Counsel for the State submits that in the instant case, before the husband of the petitioner borne in service and the appointment letter issued to him, he has died. In such circumstances, by no stretch of imagination he can be treated as a Government servant for any purpose whatsoever though. Even if a candidate participates in the selection process, selected final appointment letter is issued, till he joins, he cannot be treated as a Government servant. Therefore, the benefit of U.P. Government Servants Dying-in-Harness Rules, 1974 or the Uttar Pradesh Police Constable and Head Constable Services Rules, 2015 would not be applicable to the dependents of such candidates, thus, no benefit can be granted to the petitioner.

9. Learned Additional Chief Standing Counsel for the State further submits that the interim order in ***Vandana Devi*** (supra) as well as the final order in ***Moni Devi*** (supra), was passed in the peculiar facts and circumstances of the case, where the initial appointments were made and later the selections were illegally cancelled by the authorities concerned and the said illegal cancellation was set-aside by the Courts. In such circumstances, the dependents were granted compassionate appointment.

10. In the instant case, there is no such circumstances that the selection process was ever cancelled and before the appointment letter could be issued, the husband of the petitioner has already died on 30.04.2021. In

such circumstances, on the facts of the case, the judgments relied upon by learned counsel for the petitioner is not applicable. Thus, he seeks dismissal of the instant petition.

11. Having heard the rival submissions so made by learned counsel for the parties, this Court has carefully gone through the record of the case. The facts of the case have already been noted in brief.

12. In the instant case, the husband of the petitioner has died on 30.04.2021 before the appointment letter could be issued after the selection process was complete. In such circumstances, by no stretch of imagination, the husband of the petitioner could be said to be borne in service. Therefore, in the considered opinion of this Court, neither the provisions of U.P. Government Servant Dying-in-Harness Rules, 1974 as well as the Uttar Pradesh Police Constable and Head Constable Services Rules, 2015, wherein Rule 5 also provides for compassionate appointment, would not be applicable to the case of the petitioner. Thus, the dependents of candidate, who has participated in the selection process for public employment, though selected, but had died prior to the issuance of appointment letter, cannot claim compassionate appointment due to his death, as such candidate had not borne in service prior to his death.

13. The interim order in ***Vandana Devi*** (supra) as well as the final order in ***Moni Devi*** (supra), which is also based upon the interim order passed in ***Vandana Devi*** (supra), was passed in peculiar facts and circumstances of the case and in the considered opinion of this Court, have not laid down any specific law to be applied or the aforesaid judgments to be treated as precedents.

14. In such view of the matter, this Court do not find any good reason to grant any relief as claimed by the petitioner and accordingly, the instant petition is ***dismissed***.

(Anish Kumar Gupta,J.)

August 18, 2026

Shubham Arya