



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 18320 of 2025

Priti Saxena

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Mohd. Akaram
Counsel for Respondent(s)	:	C.S.C., Kaushlesh Pratap Singh

Court No. - 2

HON'BLE PRAKASH PADIA, J.

1. Counsel for the petitioner is permitted to implead Director of Education (Basic) U.P., Nishatganj, Lucknow as respondent No.5 in the array of the respondents during the course of the day.

2. Husband of the petitioner namely late Mukul Saxena was appointed on the post of Assistant Teacher in Primary school vide order of appointment dated 24.10.1996. The aforesaid appointment was made under Dying-in-Harness Rules on the post of Untrained Assistant Teacher. Pursuant to the aforesaid, husband of the petitioner joined the institution on 25.10.1996 and started working. While working on the aforesaid post, he has died on 31.05.2021 due to Covid-19 Pandemic. Subsequently the petitioner being legally wedded wife of late Mukul Saxena started getting family pension and get the family pension till November, 2022.

3. In the meanwhile a letter dated 17.09.2022 was written by the Respondent No.3 namely District Basic Education Officer, Farrukhabad to the Respondent No.4 namely Finance and Account Officer, Office Basic Education Officer, Farrukhabad stating therein that vide letter dated 18.07.2022 issued by the Director of Education (Basic), U.P. Nishatganj at Lucknow, direction was given to dismiss the services of Shri Mukul

Saxena who is Assistant Teacher in primary institution. Hence, it is stated that necessary orders be passed for stopping the pension of the petitioner.

4. Pursuant to the aforesaid, an order dated 19.12.2022 was passed by the Additional Director, Treasury and Pension, Kanpur Mandal, Kanpur by which the family pension of the petitioner has been stopped.

5. Shri Kaushlesh Pratap Singh, learned counsel put up his appearance on behalf of Respondent Nos. 3 & 4 placed before this Court undated instructions under the signature of Respondent No.3, District Basic Education Officer, Farrukhabad, the same is taken on record. He placed reliance upon last but one paragraph of the aforesaid instructions in which it is stated that the husband of the petitioner namely Late Mukul Saxena son of late Virendra Sahay Saxena has obtained appointment by submitting forged documents, hence his appointment was treated as null and void from the date of initial appointment.

6. Nothing has been brought on record in the entire instructions that whether any orders whatsoever has been passed by any authority till date by treating the appointment of late Mukul Saxena null and void. It is settled law that inquiry could not be started against the dead person. Insofar as the present case is concerned, it is clear from perusal of record that late Mukul Saxena has died due to Covid-19 Pandemic on 31.05.2021 and for the reason best known to the Director of Education (Basic), U.P., Nishatganj at Lucknow, letter dated 18.07.2022 was written by him for initiation of proceedings for dismissal of services of Shri Mukul Saxena.

7. The Court is very shocked and surprised that under what circumstances, the letter dated 18.07.2022 was written by the Director of Education (Basic), U.P. Nishatganj at Lucknow against Shri Mukul Saxena since he has already died on

31.05.2021.

8. In this view of the matter and also in the interest of justice, the Director of Education (Basic), U.P. Nishatganj who is represented by the State, is directed to file his personal affidavit explaining the reasons that under which provisions of law the letter dated 18.07.2022 was written by him to initiate the proceedings against the dead person.

9. The aforesaid affidavit be filed within a week from today, failing which he shall remain present before this Court on the next date fixed in the matter.

10. Put up this matter as fresh on 16.12.2025.

11. The matter will be taken up at 10:00 a.m. sharp.

December 4, 2025

Swati

(Prakash Padia,J.)