



2026:AHC-LKO:49407-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL No. - 318 of 2026

Komal Jaiswal

.....Appellant(s)

Versus

State of U.P. through Addl. Chief Secretary,
Department of Environment Forest and Climate
Change, Lucknow and 3 Others

.....Respondent(s)

Counsel for Appellant(s)	: Rishabh Raj, Radhika Singh
Counsel for Respondent(s)	: Anand Kumar Singh (SC), Saurabh Shankar Srivastava

Chief Justice's Court

**HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE JASPREET SINGH, J.**

1. This appeal is directed against order dated 06.07.2026 passed by learned Single Judge in Writ-A No. 1833 of 2026 whereby the writ petition filed by the appellant has been dismissed.
2. The writ petition was filed with the submissions that an advertisement for recruitment to the posts of Forest Guard and Wildlife Guard was issued on 12.09.2023 pursuant to which the appellant submitted her application. The written examination was conducted on 09.11.2025 and the appellant was declared successful therein on 08.01.2026. During the pendency of the selection process, the appellant got married in November, 2023 and conceived in May, 2025.
3. After clearing the written examination, the appellant was required to undergo physical efficiency test (PET), scheduled from 10.02.2026 to 19.02.2026. However, on account of her advanced stage of pregnancy, she approached the respondents authorities on 27.01.2026 and informed the Controller of Examination regarding status of her health, seeking postponement of the PET under which she was required to cover 14 kms. on foot in four hours, however, no response was received.
4. The appellant approached this Court on 13.02.2026, i.e. prior to the date scheduled for her PET examination and on 18.02.2026, this Court,

after noticing the contention and finding that the matter required consideration, granted time to the respondents to file short counter affidavit.

5. However, respondents Commission in its meeting dated 18.02.2026 rejected the prayer made by the appellant for postponement of the PET on the ground that there is no provision in this regard in the U.P. Forest Department Lower Subordinate (Forest Guard and Wildlife Guard) Service Rules, 2015 (for short 'Rules of 2015').

6. When the matter came up before the learned Single Judge, submissions were made on behalf of the respondents that selection process was almost completed wherein against 709 posts advertised, 332 women candidates had already qualified the medical examination and the final result was in the process of being forwarded to the concerned department.

7. Based on the said submissions, learned Single Judge, without examining the issue raised, dismissed the writ petition. Feeling aggrieved, the present appeal has been filed.

8. Learned counsel for the appellant made submissions that learned Single Judge was not justified in dismissing the writ petition. Submissions were made that advertisement was issued on 12.09.2023 and the written examination was conducted on 09.11.2025, which was after a gap of two years and in between the appellant got married and conceived in May, 2025. She appeared in the written examination wherein she was declared successful and was called for PET between 10.02.2026 to 19.02.2026 prior to which she made an application to the Commission seeking postponement of the PET on account of her 9 months' pregnancy and looking to the fact that for appearing in PET, she was required to undergo a 14 kms. walk within four hours, due to her physical condition, same was neither possible nor medically advisable and, therefore, the same be postponed. However, no decision was taken and the appellant approached this Court in time wherein on 18.02.2026, the respondents were directed to file short counter affidavit, wherein decision of the Commission dated 18.02.2026 was produced indicating that for lack of provision in the Rules of 2015, no indulgence can be granted.

9. Submissions have been made that the decision of the Commission and rejection of the writ petition in the circumstances of the case are wholly unjustified inasmuch as there has been a time gap of two years in the issuance of advertisement and holding of written examination and in between, as a natural course, the appellant got married in November, 2023 and conceived in May, 2025. Though she appeared in the written examination held on 09.11.2025 and succeeded, but by the time the PET was scheduled, she was having 9 months' pregnancy and could not be forced to undergo the PET, i.e. a 14 kms. walk in four hours, which would have been detrimental to her health/unborn child and therefore, rejection of the prayer by the respondents was wholly unjustified.

10. Submissions have been made that merely because the Rules did not envisage a circumstance, which is extraordinary in nature, by itself cannot be a reason to deny relief to the appellant which is most genuine and therefore, the order impugned deserves to be set aside. Submissions have also been made that merely because against 709 posts, 332 women candidates had cleared the medical examination, by itself, could not be a reason to deny the appellant's consideration. Learned Single Judge, only on account of the said fact, has dismissed the writ petition, which is not justified.

11. Counsel for the Commission insisted that for lack of any provision in the Rules in this regard, the denial was justified. When a query was put pertaining to the status of the recruitment, submissions are made that appointments are yet to be made.

12. We have considered the submissions made and have perused the material available on record.

13. At the outset, we may notice that a married woman is not disqualified for appointment on the post of Forest Guard and Wildlife Guard and the fact that she is pregnant in itself is not a disqualification for participating in the selection process. Further, her pregnancy also cannot be treated as a bar for appointment under the provisions of Rules of 2015.

14. The issue for consideration is that if for any unforeseen inability like pregnancy or child birth which occurs while seeking employment,

whether right of a woman candidate for seeking public employment can be denied to her.

15. Motherhood is a most natural phenomenon in the life of a woman and in the present circumstances, where there has been a gap of more than two years from the date of advertisement and written examination and in between the appellant got married and conceived even before the written examination was held, it was expected of the Commission to be considerate and sympathetic towards the appellant and it should have realised her physical difficulty in undergoing the PET, i.e. 14 kms. walk in four hours.

16. The very fact that on account of her pregnancy, the appellant could not appear in the PET and she sought only postponement for a period of one month post her delivery, and admittedly till this point of time, the appointments have not been made, the denial by the respondents in this regard, cannot be justified.

17. Once the Rules are silent on the aspect of providing postponement of the PET, i.e. there is no specific bar in this regard, the Commission has the power in the given extraordinary circumstance to have postponed the PET qua the appellant and denial on the ground of absence of any provisions in the Rules of 2015 also, cannot be sustained

18. The denial by the respondents of the postponement of PET to the appellant on account of her pregnancy, essentially forces a woman to have a choice of either bearing a child or employment, which cannot be permitted as the same interferes with both her rights, i.e. right of reproduction and right to employment and as such, the respondents were required to be more sympathetic and alive to the extraordinary situation.

19. Mere fact that for 709 posts, 332 women candidates have cleared medical examination, by itself, cannot be a reason to deny the appellant to undergo her PET. If the appellant would clear her PET and medical examination and stand in merit in her category, consequences would follow accordingly, and therefore, the ground, on which the petition has been dismissed, cannot be sustained.

20. In view of above discussions, we are firmly of the opinion that the rejection of the appellant's prayer for postponement of her PET by the respondents cannot be sustained.

21. At this juncture we may notice that counsel for the Commission pointed out that the holding of PET for the appellant would take some time inasmuch as the Commission would have to hire a stadium and set up the paraphernalia required for the said PET and indicated that for the said purpose, four weeks' time would be required for arranging the same.

22. Consequently, the special appeal is **allowed**. The order dated 06.07.2026 passed by the learned Single Judge is set aside. The writ petition filed by the appellant is allowed. Respondents are directed to permit the appellant to undergo PET pursuant to advertisement dated 12.09.2023 for the posts of Forest Guard and Wildlife Guard.

23. It is directed that the respondents will conduct and complete the PET of the appellant, as directed above, within a period of four weeks. In case, the appellants clears the PET, she will be subjected to further selection process as required and, in case, she stands in merit, she would be accorded appointment at her merit w.e.f. the date person lower in merit to the appellant is granted appointment, in case before the declaration of her result, appointments are made.

24. As it has been indicated that recommendation has been made to the State Government by the Commission, the respondents are directed to keep one post in the appellant's category, i.e. OBC woman, vacant till her result is declared.

(Jaspreet Singh,J.) (Arun Bhansali,CJ.)

July 22, 2026

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