



2026:AHC-LKO:918-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL DEFECTIVE No. - 9 of 2021

State Of U.P.Thru Secy. Basic Education Lucknow And
Ors.

.....Appellant(s)

Versus

Virendra Singh And Ors.

.....Respondent(s)

Counsel for Appellant(s)	:	C.S.C.
Counsel for Respondent(s)	:	Pt. S. Chandra

Court No. - 1

**HON'BLE RAJAN ROY, J.
HON'BLE ABDHESH KUMAR CHAUDHARY, J.**

(Order on C.M. Application No. 2798 of 2021)

1. Heard learned counsels for the parties.
2. The appellants apart from being directed against an interlocutory order dated 24.01.2020 passed in Writ Petition (Service Single) No. 2110 of 2020 is delayed by 317 days.
3. We have gone through the affidavit filed in support of application for condonation of delay and do not find the explanation to be satisfactory. When tested on the anvil of the recent decisions of Hon'ble Supreme Court in the case of ***Shivamma (Dead) by LRS vs. Karnatka Housing Board and another reported in 2025 SCC OnLine 1969 decided on 12.09.2025***, we do not find any sufficient reason to condone the delay in filing this appeal.
4. The limitation for filing the Special Appeal under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952, which is 30 days, as prescribed under Chapter IX Rule 10 of the Allahabad High Court Rules, 1952 read with Article 117 of the Schedule appended to the Limitation Act, 1963 expired prior to 15th March, 2020, which is the date from which limitation for filing such appeal was extended by Hon'ble Supreme Court in Suo Moto Writ Petition (Civil) No. 03 of 2020, therefore, the benefit of the said orders cannot be extended to the petitioner. Even otherwise the order impugned is an interlocutory order which merely directs the appellants to allot G.P.F. numbers to

the respondent-petitioners. The writ petition is still pending. The appellants can raise all permissible pleas before the Writ-Court which can be seen at the time of hearing.

5. For all these reasons, we do not find any reason to condone such inordinate delay in filing the appeal. Accordingly, the application for condonation of delay is **rejected**.

6. Consequently, the appeal also stands **dismissed** without prejudice to the rights of the appellants in the pending writ petition.

January 7, 2026
Praveen

(Abdhesh Kumar Chaudhary,J.) (Rajan Roy,J.)