



2026:AHC-LKO:6210-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL No. - 3 of 2026

Ritik Prajapati

.....Appellant(s)

Versus

State Of U.P. Thru. Its Prin. Secy. Home Deptt.
Lko. And 2 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Savita Jain, Nikita Mishra
Counsel for Respondent(s)	:	C.S.C.

Court No. - 1

HON'BLE RAJAN ROY, J.

HON'BLE ABDHESH KUMAR CHAUDHARY, J.

1. Heard Ms. Savita Jain, learned counsel for the appellant and Shri Pratyush Srivastava, learned Standing Counsel for the State-respondents.

2. This is an appeal filed under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952 challenging the judgment and order dated 02.07.2025 passed by the writ court in Writ A No.6986 of 2025; *Ritik Prajapati vs. State of U.P. & ors.*

3. The appellant herein had participated in a selection for the post of Constable (Civil Police), recruitment process for which was initiated in 2025. He was subjected to medical examinations at Unnao on 29.04.2025 and on 19.05.2025 at Lucknow. The appellant was found unfit on the ground of 'Flat Feet', therefore, he was not allowed to join at Jhansi. The medical opinion/ reports by which the appellant was found medically unfit were put to challenge by the appellant/ petitioner by means of the aforesaid writ petition. The rejection of his candidature based thereon dated 01.09.2025 was not specifically

under challenge but the same has been placed before us today by Shri Pratyush Srivastava, learned Standing Counsel, which is taken on record. The said rejection is based only on the said medical reports dated 29.04.2025 and 19.05.2025. Learned Single Judge had dismissed the aforesaid writ petition at the admission stage itself, hence, this appeal.

4. On 17.12.2025, after condoning the delay in filing the appeal, an order was passed by a Co-ordinate Bench of this Court, which reads as under :-

"1. The appeal is barred by 133 days.

2. Looking to the nature of plea raised in the appeal and the fact that the appellant has filed another petition, based on the certificate issued by King George's Medical University, U.P., Lucknow, delay in filing the appeal is condoned.

3. It is, inter alia, submitted by counsel for the appellant that the appellant has been disqualified on account of having flatfoot by the respondents for recruitment on the post of Constable. Submissions have been made that the appellant has got himself examined by Head of Department, Department of Physical Medicine and Rehabilitation, King George's Medical University, Lucknow, U.P., who has indicated that the appellant does not have flatfeet. Submissions have been made that the appellant may be got examined by an independent Medical Board.

4. In view of the submissions made, in case, the appellant deposits a demand draft of Rs. 10,000/- in the name of Sr. Registrar of this Court within a period of ten days. On producing the receipt of demand draft, the appellant shall be examined by a Medical Board to be constituted by the Director, Dr. Ram Manohar Lohia Institute of Medical Sciences, Lucknow, U.P., who would examine the appellant and send the report as to whether the appellant suffers from the deficiency of flatfeet.

5. If the case of appellant is not found genuine, the amount would be forfeited else it would be returned back. The demand draft be kept in safe custody and be only deposited on direction

of the Court.

6. *Learned Standing Counsel shall communicate the order to the hospital and the requisite report be placed before the Court by him before the next date.*

7. *List the appeal on 09.01.2026, as fresh."*

5. Thereafter the matter came up on 09.01.2026 when the medical examination reports were placed before this Court and taking into consideration the said reports we passed the following order :-

"1. Heard learned counsels for the parties.

2. This Special Appeal has been filed by the appellant- Ritik Prajapati under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952 challenging the Judgment and order dated 02.07.2025 passed by the learned Single Judge in Writ-A No. 6986 of 2025 (Ritik Prajapati vs. State of U.P. & others).

3. In pursuance to the order dated 17.12.2025, medical examination report based on a medical examination conducted by a Board constituted by the Director, Dr. Ram Manohar Lohiya Ayurvedigyan Sansthan, Lucknow has been placed before us in sealed cover through the Additional C.S.C. Shri Anand Singh. The said report is taken on record. Sealed cover has been opened. According to the report "no Clinical or Radiological Evidence of FlatFeet (Pesplanus)" was found.

4. The candidature of the appellant-petitioner for selection and appointment as Constable in U.P. Police in pursuance to the advertisement/notification dated 23.12.2023 was declined, as he was found disqualified on the ground that he had flat-foot, which now appears to be incorrect. As is mentioned in our earlier order, the appellant got himself examined by the Head of Department, Department of Physical Medicine and Rehabilitation, King George's Medical University, Lucknow, U.P. who also arrived at a conclusion that the appellant did not have flat-foot whereupon this Court ordered his medical examination, as aforesaid and now Board of five doctors of Dr. Ram Manohar Lohiya Ayurvedigyan Sansthan, Lucknow, which is a Government Institution has again opined that there is no evidence, clinical or radio-logical of FlatFeet (Pesplanus).

5. Let a copy of this medical report be furnished to Shri Anand Singh, Additional C.S.C., so that he may go through the same,

apprise the officials of the concerned department and shall also seek instructions in light of the aforesaid or file affidavit, as the case may be.

6. This matter shall now come up on 28th January, 2026, as fresh.

7. In the meantime, it is provided that one vacancy on the post of Constable in Civil Police under the O.B.C. category, which has been subsequently advertised on 31.12.2025 shall be kept vacant unless any vacancy for aforesaid category which was advertised earlier on 23.12.2023 in pursuance to which the appellant had applied, still remains unfilled in which case it is that vacancy which will not be filled."

6. Now, in view of what we have noticed in our order dated 09.01.2026 the appellant was incorrectly declared as medically unfit. Even learned Standing Counsel does not dispute the aforesaid position in view of the medical examination reports referred in the said order. The only thing is about offering appointment to the appellant. It is informed by Shri Pratyush Srivastava, learned Standing Counsel on the basis of instructions that the vacancies which were advertised in 2023, against which the appellant was considered, have all been filled up, however, we are of the opinion that in view of what has been noticed by us in our orders dated 17.12.2025 and 09.01.2026, quoted herein-above, it is beyond cavil that the candidature of the appellant after being selected was rejected only on the ground of medical unfitness, incorrectly so. The medical reports which we have considered in our order dated 09.01.2026 are evidence of this fact. In view of this illegality and denial of equal opportunity to the appellant for appointment on a public post, we are of the opinion that fundamental rights of the appellant have been violated by such illegal action.

7. The medical unfitness pointed out at the time of examination was incurable, therefore, obviously the medical examination was faulty, otherwise subsequent Medical Board reports referred in our order dated 09.01.2026 would have detected the unfitness and would not have stated that 'no clinical or radiological evidence of flat feet (Pesplanus)' was found. Therefore, the amount of Rs.10,000/- deposited by the appellant in this Court in pursuance of our order dated 17.12.2025 shall be returned/ refunded to the appellant, as per Rules, within one month.

8. For the above reasons, the judgment impugned cannot be sustained nor can the action of opposite party in denying appointment and posting to the appellant. The fact that after recruitment the appellant was proposed to be posted at Jhansi, after his medical examination in Unnao, is not of much consequence as the vacancy at Jhansi must have been filled up. Nevertheless this by itself cannot be a ground for not offering appointment to the appellant, especially as, recently, as informed by the learned Standing Counsel, as many as 8818 posts of Constable (Civil Police) under the OBC category have been advertised on 31.12.2025, therefore, obviously there are vacancies which have not been filled up, even if already advertised, and selection has not taken place against such vacancy. This is especially as Shri Pratyush Srivastava, learned Standing Counsel very fairly states that unfilled vacancies of 2023 recruitment were carried forward to the next recruitment, as per Rules, which is the one advertised on 31.12.2025. Further, there may be other vacancies which may have occurred since then and may occur herein-after, therefore, the State is obliged to offer

appointment to the appellant on the post of Constable (Civil Police) against any existing vacancy or any vacancy which may occur in the near future.

9. We hereby quash the impugned order dated 02.07.2025, medical reports dated 29.04.2025 and 19.05.2025. As we have quashed the medical reports for reasons aforesaid, therefore, the subsequent rejection order dated 01.09.2025 is rendered inconsequential and otiose, therefore, even if it was not specifically under challenge it makes no difference to the result of these proceedings.

10. We were inclined to award cost to the appellant for arbitrary action of the opposite parties but for the statement of Ms. Savita Jain learned counsel for the appellant that her client is not interested in cost and it is sufficient for the appellant if injustice done to him is remedied and he gets employment.

11. We, accordingly, direct the respondent nos.1 and 2 to pass necessary orders in this regard in compliance of the aforesaid. A formal order in this regard shall be issued within three months from the date of receipt of a certified copy of this judgment.

12. The appeal is, accordingly, **allowed**.

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

January 28, 2026

Arnima