



2026:AHC-LKO:36-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL DEFECTIVE No. - 651 of 2024

Manoj Kumar Pandey And 3 Others

.....Appellant(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Of Medical
And Health Services Lko. And 3 Others

.....Respondent(s)

Counsel for Appellant(s)	: Annapurna Agnihotri, Sudhir Kumar Pandey
Counsel for Respondent(s)	: C.S.C.

Court No. - 1

HON'BLE RAJAN ROY, J.

HON'BLE ABDHESH KUMAR CHAUDHARY, J.

(C.M. Application No.1 of 2024)

1. Heard.

2. Learned counsel for the State informs us that similar appeals have also been dismissed on merits vide judgment dated 21.02.2025 leading appeal being Special Appeal No.545 of 2023 [Ramesh Chandra Baghel & Others vs. State Of U.P. & Ors.]. He also states that in fact the appeal is not in proper format as two separate orders passed in two separate writ petitions albeit of similar nature have been challenged by filing one appeal which is impermissible under the Rules of the Court.

3. This appeal has been filed under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952 with a delay of 373 days as on 16.12.2024 which is the date of filing of the appeal, as reported by the Office. An application for condonation of delay along with an affidavit has been filed. We have perused the explanation offered therein in the light of recent decision of Hon'ble the Supreme Court dated 12.09.2025 rendered in Civil Appeal No.11794 of 2025 '**Shivamma (Dead) By LRS vs. Karnataka Housing Board & Ors**' and find the same to be unacceptable. Not only the delay is inordinate but there is hardly any explanation offered for such inordinate delay. Whatever little explanation has been offered is not sufficient. The affidavit in support of the

application for condonation of delay runs into nine paragraphs. In the second paragraph, the details of the judgment against which the appeal has been preferred has been mentioned. Para 3 of the affidavit states that after receiving communication of the impugned judgment, they contacted their counsel and obtained certified copy on 09.12.2024, 11.12.2024 and 12.12.2024 i.e. a good more than one year of passing of the impugned judgment. The affidavit does not throw any light as to what transpired in between and what efforts were made by the appellants to contact their counsel to know the status of their writ petition. Para 4 of the affidavit then states that the appellants contacted the counsel on 12.12.2024 along with relevant material seeking opinion without disclosing the name of the counsel who was so contacted. Thereafter, all that the affidavit says is that the counsel who was contacted advised for filing this appeal which was filed on 16.12.2024. This is hardly an acceptable explanation.

4. Accordingly, in view of the aforesaid decision of Hon'ble the Supreme Court, the application for condonation of delay is rejected. Consequently, the appeal also stands dismissed.

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

January 5, 2026

Shanu/-