



2026:AHC:5263

**HIGH COURT OF JUDICATURE AT ALLAHABAD
WRIT - A No. - 17751 of 2025**

Subhash Chandra Sharma

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Aditendra Singh, Vinod Kumar Singh
Counsel for Respondent(s)	:	C.S.C., Mahendra Narain Singh

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Vinod Kumar Singh, learned counsel for the petitioner and Sri S.K. Pal, learned Additional Chief Standing Counsel, who appears for State-respondents as well as Shri Abhijeet Saxena appears for the Public Service Commission.

2. Sri S.K. Pal, learned Additional Chief learned Standing Counsel as well as Shri Abhijeet Saxena appears for the Commission submits that they are well equipped with the instructions and the instructions are self-sufficient for disposal of the writ petition and they do not propose to file any further affidavit and the petition be decided on the basis of the documents available on record, thus with the consent of the parties, writ petition is being decided at the fresh stage.

3. The case of the writ petitioner is that he was selected and appointed as Junior Engineer in the year 1997 and in the seniority position, he finds place at serial no.1908. The writ petitioner stakes his claim for promotion on the post of Assistant Engineer, however, there happened to be a recommendation, his case was considered and was kept in sealed cover in view of a criminal case pending against the writ petitioner pertaining to be under Section 07 of the Prevention of Corruption Act.

4. Learned counsel for the writ petitioner has submitted that earlier he had approached this Court while filing Writ-A No. 10663 of 2025 which came to be disposed of on 30.07.2025 requiring the respondents to consider the claim of the writ petitioner now the same has been rejected on 15.10.2025. He further submits that now the seal cover is liable to be open, particularly, when in a departmental proceedings so initiated against the writ petitioner, post submission of the inquiry report, the suspension has been revoked and it

has been found that the writ petitioner was not guilty of the said charges, which was subject matter of disciplinary proceedings by virtue of the order dated 22.09.2023. He submits that the order impugned recites that the claim of the writ petitioner for opening of the sealed cover was considered but it was not found to be a case, suitable for accorded promotion but the factum of holding of disciplinary proceedings and exoneration in the inquiry proceedings has not been considered at all.

5. Learned Additional Chief Standing Counsel as well as counsel appearing for Commission on the other hand submits that the order needs to be revisited.

6. I have heard learned counsel for the parties and gone through the records carefully.

7. Facts are not in issue. It is not in issue that the writ petitioner stakes his claim for promotion for Junior Engineer to Assistant Engineer. However, owing to a criminal case pending against the writ petitioner and departmental proceedings also pending, the claim of the writ petitioner for opening of the sealed cover was not found favourable. Thereafter an inquiry was conducted and the writ petitioner is found non-guilty of the charges and he was reinstated in service, suspension was revoked. The said aspect of the matter has not been considered in the order impugned which goes to the root of the matter.

8. Accordingly, the writ petition is being decided in the following manner:

(a). The impugned order dated 15.10.2025 passed by the respondent no. 2, Joint Secretary, Rural Engineering Department, Section 1st, Establishment, Government of U.P., Lucknow is set aside.

(b). The matter stands remitted back to pass fresh order strictly in accordance with law within a period of two months from the date of presentation of the certified copy of the order.

9. Accordingly, the writ petition stands **disposed of**.

10. Instructions filed today are kept on record and marked as Appendix 'A'.

January 8, 2026
A. Prajapati

(Vikas Budhwar,J.)