



2026:ABC:6127

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 23543 of 2018

Jokhan Ram

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Dr. Vishnu Pandey
Counsel for Respondent(s)	:	C.S.C., Vivek Kumar Singh

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Dr. Vishnu Pandey, learned counsel for the writ petitioner as well as Ms. Archana Tyagi, learned Additional Chief Standing Counsel for the State.
2. Since counter and rejoinder affidavits have been exchanged between the parties. A joint statement has been made by the counsel for the parties that they do not propose to file any further affidavits. Therefore, the writ petition is being decided at the admission stage.
3. The case of the writ petitioner is that he is working as a daily wage gardener (Mali). The Assistant Engineer-II, Mirzapur Nahar Prakhanda, Robertsganj issued a certificate showing the petitioner worked from 01.08.1985 to 30.09.1986, at a remuneration of Rs.300/- per month.
4. The writ petitioner preferred an application before Respondent No. 3- Executive Engineer, Devkali Pamp Canal Khand-II, Ghazipur to issue an experience certificate for the period of 1988 to 1992. The writ petitioner also took recourse through the Right to Information (RTI) Act, 2005. Although penalty orders were passed twice against the authorities under the RTI Act, the experience certificate was never issued. Consequently, the petitioner is not being regularized in terms of the Government Order dated 12.09.2016.
5. The writ petitioner being aggrieved against the said inaction of the respondents, the petitioner filed Writ-A No. 56804 of 2017 before this Court, which came to be disposed of on 05.12.2017, requiring the

respondents to consider the petitioner's claim. However, on 19.02.2018, the Executive Engineer, Devkali Pamp Canal Khand-II, Ghazipur negated the claim of the writ petitioner on the grounds that no record is available to show the petitioner had worked in the office of the respondents.

6. Questioning the same, the present writ petition has been preferred, seeking quashing of the order dated 19.12.2018 and for regularization in terms of the Government Orders dated 12.09.2016 and 24.02.2016. During the pendency of this petition, the petitioner filed SLP (Civil) No. 31274 of 2025, which came to be disposed of on 10.11.2025, granting the petitioner liberty to the writ petitioner to approach the jurisdictional High Court for an early hearing.

7. Learned counsel for the writ petitioner has sought to argue that the petitioner had been working in the office of the respondents since 1992. He relies on the certificate issued by the Assistant Engineer-II, Mirzapur acknowledging his work during 01.07.1984 to 31.07.1985 and submits that there happens to be sufficient grounds available to entitle him to regularization but despite imposition of penalty twice under the RTI, the records suggested that certificate has not been issued.

8. Learned Standing Counsel, on the other hand submits that whatever might be there are no service records available to verify the petitioner's employment. She submits that the documents and certificates relied upon by the petitioner are of no benefit as they are fictitious and were prepared solely to mislead the Court.

9. I have heard the submissions so made across the Bar and perused the record. Apparently, the bone of contention is whether the petitioner actually worked for the department and whether the respondents' refusal to issue a work certificate is legal or not.

10. In the opinion of this Court, once the respondents disputed the fact that the writ petitioner worked in the department and they dispute the certificate issued for the period of 1985–1986, then this Court under Article 226 of the Constitution of India cannot take evidence and record a concrete finding as the same require factual issues and this Court cannot conduct a roaming and fishing inquiry into disputed factual issues.

11. As regards the reliance upon the judgment of the Supreme Court in **Ravi Verma and others vs. Union of India and others Civil Appeal Nos. 2795-2796 of 2018** decided on 13.03.2018 and **Raman Kumar and others vs. Union of India and others 2023 0 Supreme (SC) 1801** decided on 03.07.2023, these are not applicable particularly when the serious factual dispute regarding the petitioner's working. Moreover, the allegation that similarly situated individuals have already been extended benefits is not convincing at this stage. The petitioner has to stand on his own legs by demonstrating that his case fell within the ambit of the regularization policy.

12. Accordingly, interference is declined. The writ petition is ***disposed of***, leaving it open for the petitioner to approach competent court of law for declaration in this regard.

(Vikas Budhwar,J.)

January 9, 2026

Anurag/-