



2026:AHC:3394

## HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 19564 of 2025

Shiv Shankar Yadav And 49 Others

.....Petitioner(s)

Versus

State Of U.P And 2 Others

.....Respondent(s)

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|---------------------------|---|----------------|
| Counsel for Petitioner(s) | : | Abhishek Kumar |
| Counsel for Respondent(s) | : | C.S.C.         |

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**Court No. - 33**

**HON'BLE VIKAS BUDHWAR, J.**

1. Heard Sri Abhishek Kumar, learned counsel for the writ petitioner and Sri Jitendra Prasad, learned Standing Counsel for the State.

2. The grievance of the writ petitioners is that so far as the writ petitioner no. 1 is concerned he was a party in Writ-A No. 28342 of 2014 wherein prayer had been made to issue appointment in view of the Government Order dated 30.10.1979 and 12.11.1979, the writ petition came to be dismissed on 05.09.2016 and an intra-court appeal/Special Appeal No. 669 of 2016 decided on 20.10.2016 it was observed that when the State Government initiates recruitment process while issuing advertisement on the basis of apprentice certificate, the writ petitioners can stake their claim. Learned counsel for the writ petitioner submits that though there happens to be certain communications of the respondents regarding issuance of the advertisement or filling up the post in question but till date, no advertisement has been issued.

3. Prayer in the present petition is for a direction to the respondents to give first preference to the petitioner for appointment on the post of Binding Assistant or on Group C post according to new rules.

4. Learned Standing Counsel submits that the writ petitioner have no legal right to insist for issuance of an advertisement as it is the prerogative of the employers to fill up the vacancies if they are required or not.

5. In the opinion of the Court once an advertisement is published then writ petitioners can always stake their claim as per entitlement, eligibility and

suitability and, in case, there is any provision of preference then the same shall be extended to the writ petitioner.

6. With the said observation, the writ petition stands disposed of.

**(Vikas Budhwar,J.)**

**January 7, 2026**

Rajesh