



2026:AHC:20035

## HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 1160 of 2026

Mukesh Kumar And 19 Others

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

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| Counsel for Petitioner(s) | : | Abhishek Krishna, Surya Kesh Yadav |
| Counsel for Respondent(s) | : | C.S.C., Mahendra Narain Singh      |

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**Court No. - 33**

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

1. Heard Sri Abhishek Krishna, learned counsel for the writ petitioner as well as Sri Manish Kumar, learned Standing Counsel for the State and Sri Avneesh Tripathi, learned counsel for the Commission.

2. A statement has been made by Sri Manish Kumar, learned Standing Counsel as well as Sri Avneesh Tripathi for the Commission that they do not propose to file any affidavit and the writ petition be decided on the basis of the documents available on record since they are well equipped with the instructions.

3. The case of the writ petitioners who are 20 in number is that an advertisement bearing no. D-6/E-1/2025 dated 22.12.2025 came to be published for filling up of several vacancies including the post of Veterinary Medical Officer. The grievance of the writ petitioner is that in the advertisement itself there is no provision for reservation of OBC Category.

4. Prayer in the present petition is for quashing the advertisement insofar as it denies earmarking of the post of Veterinary Medical Officer under OBC Category.

5. Sri Avneesh Tripathi, learned counsel for the Commission has produced before this Court the instructions dated 28.01.2026, according to which, the total sanctioned post of Veterinary Medical Officer is 1984 and the total post so advertised are 404. According to him, 27% of the posts

are earmarked for OBC Category which would come to 535 posts and against the same, already 588 posts are filled up. Thus, there is no scope or berth to be allotted to the incumbent under OBC Category.

6. Confronted with the said factual position, learned counsel for the writ petitioner has submitted that this Court may pass a positive order on compassionate ground.

7. Looking into the fact that the person belonging to OBC Category would not be considered. In the opinion of the Court, the State being the employer is supposed to get the post filled through Commission and reservation is always subject to the roster so made under the relevant statute. Once it has come on record that against 1984 sanctioned strength of Veterinary Medical Officers, 588 posts are filled against the earmarked 535 posts then this Court cannot by a judicial fiat, issue a blanket direction against the statute.

8. Accordingly, no good ground is made out, the writ petition stands dismissed.

9. Instructions filed today are taken on record and marked as Appendix 'A'.

**(Vikas Budhwar,J.)**

**January 29, 2026**  
Rajesh