



2026:AHC:21873

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 1303 of 2026

Prem Babu Sharma

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Dharmendra Kumar Tripathi, Praveen Chandra Mishra
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Dharmendra Kumar Tripathi, learned counsel for the petitioner and Sri Gaurav Singh, learned Standing Counsel, who appears for State-respondents.

2. The counsel for the rival parties have made a joint statement that they do not propose to file any further affidavits 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 initially engaged as Seasonal Collection Amin in Tehsil Koil, District Aligarh on 01.06.1992 and he had staked his claim for regularization/ absorption in terms of U.P. Collection Amin Service Rules, 1974. According to the writ petitioner, his name in the seniority list found placed at serial no. 69 and juniors to the writ petitioner's name being Keshav Dev, Pramod Kumar Saxena and Mukesh Kumar were accorded regularization/ absorption but the claim of the writ petitioner was not considered so the writ petitioner preferred writ petition being no. 51286 of 2006 (Prem Babu Sharma and another v. State of U.P. and others) in which on 12.12.2007, the following orders were passed:

"1. Heard Sri Sheshadri Trivedi holding brief on behalf of Sri Sameer Sharma for the petitioners and learned Standing Counsel for respondents no. 1 to 4.

2. The petitioners, aggrieved by the promotion order dated 17.05.2006 passed by respondent no.3, whereby a number of persons including juniors to the petitioners, i.e., respondents no. 5 to 7 have been made regular Collection Amins, have filed this writ petition under Article 226 of the Constitution of India, seeking a writ of certiorari for quashing the same. They have also sought a writ of mandamus commanding the

respondents to appoint the petitioners as Collection Amin on regular basis w.e.f. from the date their juniors have been appointed on the said post.

3. In brief, the case of the petitioners is that the petitioners were engaged as Seasonal Collection Amin in Tahsil Koil, District Aligarh on 01.06.1992, and, since then they have been continuously working. Under the U.P. Collection Amin Service Rules, 1974 (hereinafter referred to as the "Rules, 1974"), 35% vacancies of Collection Amin are liable to be filled in by appointing Seasonal Collection Amins on regular basis. A seniority list was prepared by respondent no.1 of Seasonal Collection Amins, working in District Aligarh, wherein, names of the petitioners were shown at serial no. 69 and 73 respectively. In the year 2006, 18 Seasonal Collection Amins were made Collection Amins on regular basis vide order dated 17.05.2006 which included some of the juniors to the petitioners, namely, respondents no.5 to 7, whereas, petitioners were illegally ignored despite the fact that they fulfilled all the requisite qualifications under the Rules and were entitled for promotion from due date.

4. Learned counsel for the petitioner has informed that during the pendency of this writ petition, petitioner no. 1 was appointed as regular Collection Amin on 01.09.2007 and, therefore, with respect to petitioner no. 1 the relief is confined only to the extent that he should be deemed to be appointed as Collection Amin w.e.f. from the date his juniors were appointed.

5. The respondents have filed counter affidavit wherein it is not disputed that the petitioners are senior to respondents no. 5 to 7 and it is also not disputed that petitioners fulfill requisite qualification for appointment on the post of Collection Amin on regular basis. However, it is stated in para 6 of the counter affidavit that petitioners' recovery was only 85.7% and 87% respectively, whereas collection by respondents no. 5 to 7 during the same period was more than 100% and considering them more meritorious, they have been promoted and the petitioners have not been selected.

6. Having heard learned counsel for the parties and perusing the record, this Court is of the view that non-selection of petitioners on the post of Collection Amins on regular basis and the manner the respondents have made selection is clearly contrary to the Rules. Proviso to Rule 5 (1) of 1974 Rules provides for source of recruitment of Seasonal Collection Amins and their eligibility qualifications, stipulating that the incumbent must have worked satisfactorily for at least 4 Faslis and below 45 years of age on 1st day of July of the year in which selection is made. The word 'satisfactory' has been explained as follows:

"Santosjanak Karya Ka Tatparya Hoga Shuru Se Ant Tak Achchey Acharan Ko Sammilat Karte Hue Char Faslon Ke Dauran Vihit Star Ke Anusar Kam Se Kam Sattar Pratishat Vasuli." (Satisfactory work shall mean--from beginning to end taking into account good conduct and minimum prescribed standard of 70% collection

during four Faslīs).

7. The procedure for recruitment from the category of "Seasonal Collection Amin" is provided under Rule 17 of 1974 Rules which reads as under:

"17. (Ka)-- Seasonal Collection Aminon Ke Chayan Ki Prakriya-- Collector Seasonal Collection Aminon Ki Jo Niyam 5 Ke Up Niyam (1) Ke Pratham Parantuk ke Adhin Chayan Ke Liye patra Ho Ek Suchi Taiyar Karega Aur Unme Se Santosjanak Karya Ke Adhin Zile Mein Seasonal Collection Amin Ke Pad Par Unki Sewa Avadhi Ke Adhar Par Apekshit Sankhya Mein Chayan Karega. (Collector shall prepare a list of Seasonal Collection Amins who are eligible for selection under first proviso to sub-rule 1 of Rule 5 and shall make selection of requisite number of posts amongst them on the basis of their satisfactory work and the service period)."

8. Thus, it is provided under the rules that the Collector shall prepare a list of Seasonal Collection Amins who are eligible for selection under proviso to sub-rule 1 of Rule 5 and thereafter make selection of required number of posts amongst them on the basis of their seniority i.e., length of service or service period and satisfactory work.

9. Admittedly, the petitioners fulfill the requirement of eligibility as also the requirement of 'satisfactory work' as explained under the Rules. Criteria for promotion is not 'merit' alone. The Rules do not provide that for the purpose of selection of Collection Amin, quantum of recovery made by various Seasonal Collection Amins shall be taken into account, nor inter se merit or comparison amongst the various Seasonal Collection Amins, is the criteria prescribed therein. The Seasonal Collection Amins who have made more recovery cannot be considered to be better in comparison to others, having lesser recovery as this would have the effect of changing the very basis of selection under the rules. The only requirement under the rules is that the incumbent must have "satisfactorily worked" as explained under Rule 5 of 1974 Rules, i.e., must have effected at least 70% recovery during four faslīs and the other aspect is service period, i.e., seniority. The petitioners admittedly have made collection of more than 70% and are also senior to respondents no. 5 to 7 and, therefore, in my view, they have been wrongly excluded from being selected on regular post of Collection Amin.

10. Since vacancies of Collection Amins have continuously fallen vacant from time to time, it is not necessary to quash the order of appointment impugned in this writ petition and instead the respondents can be directed to consider the petitioners in accordance with the Rules and observations made above and if selected, to treat them as Collection Amin from the date their juniors have been so appointed. This Court directs accordingly.

The writ petition is partly allowed with the aforesaid directions. The petitioners will

be entitled to cost which is quantified at Rs. 10,000/- "

4. According to the petitioner, during the pendency of the writ petition, the petitioner was regularized as Collection Amin on 01.09.2007 and he joined the post on 03.09.2007.

5. Questioning the order passed by the learned Single Judge, an intra court appeal came to be preferred by the State being State of U.P. and others v. Prem Babu Sharma and others; Special Appeal No. 95 of 2008 which came to be disposed of while setting aside the judgment passed by the learned Single Judge insofar as the cost has been imposed.

6. It is the case of the writ petitioner that post decision of the appeal, the petitioner was accorded salary of Rs. 41,600/- but the juniors to the writ petitioners were being paid Rs. 45,000/-. According to the writ petitioner, seniority list came to be published in which the name of the writ petitioner found place at serial no. 28 whereas juniors to the petitioner found place at serial nos. 15, 21 and 22. However, the claim of the writ petitioner came to be rejected on an office notice dated 01.08.2024 without considering the claim set up by the writ petitioner and the direction of the writ court in the earlier spell of litigation on 01.08.2024.

7. Aggrieved against the same, the writ petitioner has been filed the present writ petition.

8. Learned counsel for the writ petitioner has submitted that once the writ petition preferred by the writ petitioner was allowed and in the intra court appeal, the order of the writ court was affirmed then the writ petitioner's claim for regularization and others benefits ought to have been considered from the date, the juniors were accorded benefits.

9. Prayer in the present petition is for a direction to the respondents to consider the claim.

10. Learned Standing Counsel submits that the claim of the writ petitioner needs adjudication at the first instance by the third respondent, Ziladhikari/ Collector, Aligarh, District Aligarh.

11. To such a submission, learned counsel for the petitioner has no objection and he gracefully accepts the same.

12. Considering the submissions so made across the bar as well as stand taken by them, the writ petition is being **disposed off** granting liberty to the writ petitioner to prefer a comprehensive representation along with the self-attested copy of the writ petition before the third respondent, who shall proceed to decide the claim of the petitioner strictly in accordance with law within a period of two months from the date of presentation of the certified copy of the order. In case the third respondent is of the opinion that the matter is to be decided by some other authorities then the papers shall be transmitted to the same.

13. With the aforesaid observation, the writ petition is **disposed off**.

February 2, 2026

Ashu

(Vikas Budhwar,J.)