



2026:AHC:22776

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 1410 of 2026

Dr. Rajendra Prasad Vishwakarma

.....Petitioner(s)

Versus

The State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ramesh Chandra Tiwari
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Ramesh Chandra Tiwari, learned counsel for the petitioner and Sri Manish Kumar, learned Standing Counsel, who appears for State-respondents.

2. Sri Manish Kumar, learned Standing Counsel, submits that he is well equipped with the instructions and the instructions are self-sufficient for disposal of the writ petition and he does 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 an advertisement came to be published by the U.P. Public Service Commission bearing No. 04/2005-06 for filling up the vacancies post of Medical Officers (Male). The writ petitioner was selected as Medical Officer and he was accorded no. 1239. As per the writ petitioner, post selection pursuant to the aforesaid advertisement, State Government had issued an appointment order of 1220 Medical Officers on different dates i.e. on 22.08.2006, 16.10.2006 and 24.11.2006. According to the writ petitioner, the writ petitioner was accorded appointment at Level-1 (Medical Officer, Male) and when the writ petitioner was appointed at that point of time, the Uttar Pradesh Medical and Health Service Rules, 2004 was applicable according to which the Medical Officer was entitled to promotion from Level-1 to Level-2 after completion of 4 years service and Level-2 to Level-3 after completion of 7 years. According to the writ petitioner, post draft amendment in the rules of the year 2021 now there is a change according to which, the promotion from Level-2 to Level-3, the service which is to be completed by an incumbent should be 7 years in place of 6 years.

4. Prayer in the present petition is for a direction to the respondents to consider the claim of the writ petitioner for promotion from Level-3 to

Level-4 from the date, juniors have been accorded and also notional seniority from the date 14.06.2012 when the benefit has been accorded to the juniors..

5. Learned Standing Counsel submits that the claim of the writ petitioner needs adjudication at the first instance by the second respondent, the Director General, Medical and Health Services, U.P., Lucknow.

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

7. Considering the submissions of the rival parties 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 second 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 bearing in mind the entitlement of eligibility and suitability and adherence of the Rules as well as draft rules. In case the second 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.

8. Needless to point out that the writ petition has been decided without seeking any response from the respondents. Thus, passing of this order may not be construed to an expression that this Court has gone into the merits of the case.

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

February 3, 2026
Ashu

(Vikas Budhwar,J.)