



2026:AHC:22964

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 1377 of 2026

Ram Surat Srivastava

.....Petitioner(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Rahul Sahai, Saumitra Anand
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Saumitra Anand, learned counsel for the petitioner and Sri R.S.Umrao, learned Standing Counsel, who appears for State-respondents.

2. The present writ petition has been filed for seeking following reliefs:

"I. Issue a writ order or direction in the nature of mandamus commanding and directing the respondent authorities to decide the representation dated 26.10.2024 pending before the respondent no.2 within a short time bound period as may be determined by this Hon'ble Court under the facts and circumstances of the case,

II. Issue any such other and further order which this Hon'ble Court may deem fit and proper under the circumstances of the case.

III. Award the cost of the writ petition to the petitioner, against the respondents."

3. The writ petitioner has earlier approached this Court while filing Writ-A No. 35924 of 2017 in which the following orders were passed:

"Heard learned counsel for the petitioner and the learned Standing counsel for the state respondents.

This petition seeks issuance of directions commanding the respondents to provide to the petitioner an appointment as a Class IV employee or daily wager "in any capacity under the current scheme or in the office of the respondent". From the facts as disclosed in the writ petition and as is evident from the recital contained in the order impugned, the petitioner was appointed on daily wage basis under a scheme of the Government administered by the District Rural Development Agency. He is thereafter stated to have worked in different schemes from time to time and as per his own admission he lastly worked in a Government scheme some time in the year 1989. He also reference to the decision rendered upon an earlier writ petition filed by him in

terms of which a direction was issued that if there be any vacancy of Class IV daily wagers, equal opportunity may be given to the petitioner along with other in the aforesaid scheme. It is not disputed that the initial appointment of the petitioner was with the District Rural Development Agency, a society registered and incorporated in the provisions of 1860 Act. This employment was not under the Government as has been held by a Division Bench of the Court in State of U.P. & Ors. Vs. Pitamber [Special Appeal (Defective) No. 687 of 2010]. Learned counsel also does not dispute that his engagement was only on daily wage basis and was coterminus with the scheme in which he was employed. He therefore neither had any lien nor any indefeasible right to warrant issuance of the writ as prayed for.

Learned counsel has then referred to the provisions of the MGNREG Act, 2005 to submit that various Government schemes are still in vogue and that the claim of the petitioner for seeking appointment in such schemes would merit consideration. While, this Court does not deem it appropriate to deal with the issue as to whether the petitioner can apply or seek employment under a Government scheme which may still be prevalent, the only issue which it must necessarily answer is whether the petitioner has a legal right on the basis of which the respondents may be commanded to accord him appointment. This Court neither finds nor is in a position to recognize any such right inhering in the writ petitioner.

This writ petition lacks merit and consequently stands dismissed."

4. An intra court appeal came to be preferred being Special Appeal Defective No. 1050 of 2021 which came to be dismissed as withdrawn in which the following orders were passed:

"After arguing for some time, counsel for appellant prays for withdrawal of the appeal with liberty to file mercy representation before the Competent Authority.

The appeal is accordingly dismissed as withdrawn with the aforesaid liberty."

5. Learned Standing Counsel submits that the relief so sought in the present writ petition cannot be accorded, particularly, when the writ petitioner has lost the battle in the earlier spell of litigation.

6. In the opinion of the Court, it is for the writ petitioner to raise his grievance before the respondents, in case, the representation is maintainable under law.

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

February 3, 2026

Ashu

(Vikas Budhwar,J.)