



2026:AHC:25079

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 1524 of 2026

Dr. Mohammad Mustafa

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Maya Pati Pandey, Niharika Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Smt. Niharika Singh, learned counsel for the writ petitioner and Sri Brijesh Kumar Srivastava, learned Standing Counsel for the State.

2. The case of the writ petitioner is that he was appointed on the post of Medical Officer (Ayush) on ad hoc basis on 21.06.1988 and his services were regularized in the year 1991 and superannuated on 31.08.2014. The writ petitioner claims that he is entitled third ACP as per the Government Order dated 05.11.2014.

3. Learned Standing Counsel, on the other hand, submits that the claim of the writ petitioner needs adjudication at the first instance by first respondent, Additional Chief Secretary, Department of Ayush Health, U.P. Government, Lucknow.

4. I have heard the submission so made across the bar and perused the record.

5. Considering the submission so made across the bar, the writ petition stands **disposed of** directing the writ petitioner to submit a comprehensive representation along with self attested copy of the writ petition and certified copy of the order before the first respondent, Additional Chief Secretary, Department of Ayush Health, U.P. Government, Lucknow by **20.01.2026**. Thereafter, the first respondent shall decide the claim of the writ petitioner bearing in mind the entitlement as well as the question of delay in view of the law laid down by Hon'ble Apex Court in **Rushibhai**

**Jagdishbhai Pathak v. Bhavnagar Municipal Corporation. : JT 2022
(5) SC 470.**

February 4, 2026
Rajesh

(Vikas Budhwar,J.)