



2026:AHC:24995

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 1609 of 2026

Dr Laljee Gautam And 161 Others

.....Petitioner(s)

Versus

The State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Shivendu Ojha, Sneha Pandey, Sr. Advocate
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri R.K. Ojha, learned Senior Counsel assisted by Sri Shivendu Ojha, learned counsel for the writ petitioners and Sri S.K. Pal, learned Additional Chief Standing Counsel for the State.

2. Sri R.K. Ojha, learned Senior Counsel as per instructions seeks to withdraw the writ petition insofar as it relates to writ petitioners no. 30, 32, 34, 35, 36, 37, 38, 41, 46, 47, 52, 59, 63, 64, 65, 66, 67, 68, 70, 73, 74, 77, 79, 94, 100, 112, 118, 125, 131, 132, 135, 136, 149, 155, 157 with liberty to file writ petition before the Court having territorial jurisdiction over the matter.

3. The request so sought is granted to the writ petitioners for the said writ petition is dismissed with liberty to approach the Court having territorial jurisdiction over the matter.

4. The case of the writ petitioners is that the U.P. Public Service Commission had issued an advertisement No. 04/2005-06 for filling up the vacancies of Medical Officer, Allopathic (Male). It is also the case of the writ petitioners they have been selected, however, appointment orders came to be issued to 1220 Medical Officers on different dates 22.08.2006, 16.10.2006, 24.11.2006. It is also the case of the writ petitioners that at the time when they were accorded appointment the rules by the name and nomenclature of Uttar Pradesh Government Servant Seniority Rules was there and the seniority was to be governed as per the merit list prepared by the U.P. Public Service Commission. It is also the case of the writ petitioners that writ petitioners were selection and appointed, the Uttar Pradesh Medical and Health Service Rules, 2004 were in existence which came to be amended in the year 2011, according to which, a person from Level-1 (Medical Officer) to Level-2 (Senior Medical Officer) would be

promoted after four years of completion of services and there was a provisions that post completion of seven years of service as Level-2 (Senior Medical Officer), an official would be promoted to Level-3 (Consultant) and it was also provided that an incumbent who had completed more than 11 years of service in Level-1 (Medical Officer) and Level-2 (Senior Medical Officer) they are to be promoted as Level-3 (Consultant). According to the writ petitioners, there is also a contingency wherein an official has completed six years of service as Level-3 (Consultant), he is to be promoted in Level-4 (Joint Director) or Level-1 (Medical Officer) to Level-3 (Consultant), the person has completed 17 years of service then he can also be promoted to Level-4 (Joint Director). According to the writ petitioners, on 14.06.2012 promotion orders came to be passed at Level-2 (Senior Medical Officer). The claim of the writ petitioners is that they are entitled to be considered for promotion from Level-3 (Consultant) to Level-4 (Joint Director) in the light of notional seniority which is to be granted vide order dated 14.06.2012

5. Sri S.K. Pal, learned Additional Chief Standing Counsel submits that the claim of the writ petitioners needs determination at the first instance by respondent no. 2, Director General, Medical and Health Services, U.P., Lucknow.

6. Considering the submission so made across the bar, the writ petition stands **disposed of** directing the writ petitioners to submit a comprehensive representation along with self attested copy of the writ petition and certified copy of the order before the second respondent, Director General, Medical and Health Services, U.P., Lucknow by **20.01.2026**. Thereafter, the second respondent shall decide the claim of the writ petitioners within a period of three months while considering the claim of the writ petitioners the aspect relating to notional seniority be also considered in terms of the law of the land.

February 4, 2026
Rajesh

(Vikas Budhwar,J.)