



2026:AHC:55779-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL No. - 306 of 2026

Ram Daras Patel

.....Appellant(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Ravi Pratap Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 3

**HON'BLE SAUMITRA DAYAL SINGH, J.
HON'BLE VIVEK SARAN, J.**

1. Heard Shri Ravi Pratap Singh, learned counsel for the original petitioner/appellant and Shri Rajiv Gupta, learned Additional Chief Standing Counsel.
2. Present intra-Court appeal has been filed against the order dated 13.02.2026 by the learned single judge in *Ram Darash Patel vs State of U.P. & Ors.*, 2026:AHC:32647. By that order, learned single judge has dismissed the writ petition on the reasoning that though the original petitioner filed an affidavit with respect to his candidature before the interview, no such affidavit could be traced and no proof of its filing was produced by the original petitioner.
3. Submission is, in the present case, no affidavit was required to be filed by the original petitioner inasmuch as the mistake was on part of the respondent authorities in describing the name of the original petitioner as 'Ram Naresh Patel' in place of 'Ram Darash Patel'. Admittedly, there is no discrepancy in the disclosure of his name by the petitioner in the application form submitted by him. He had only disclosed his name as 'Ram Darash Patel'.
4. With respect to above, in paragraph 4 of the Counter Affidavit filed in the writ petition, it was stated as below:

"4. That the contents of paragraph Nos. 7 of the writ petition are not admitted. It is submitted that the list of the persons for interview was published in the newspaper 'Amar

Ujala' on 23.07.2008 but by inadvertent bonafide mistake the name of petitioner was published as Ram Naresh Patel son of Ram Surat in place of Ram Darash Patel son of Ram Surat."

5. Clearly, an inadvertent mistake was attributable only to the respondents. They have admitted that mistake.

6. The confusion or doubt emerged for reason of an error on part of the petitioner in asserting (at the initial stage) that he had filed an affidavit that his name was 'Ram Darash Patel'.

7. To the extent the respondent State never set up a case of discrepancy in the name of the petitioner, it could not have given rise to any doubt with respect to his candidature and further to the extent the mistake was owned by the respondent State authorities as an inadvertent mistake committed at the stage of publication of the list of the candidates called for interview, the dismissal of the writ petition is a harsh consequence visited on the original petitioner for no fault. Merely because the petitioner may have stated a fact (in the writ petition), that was not true that he had filed an affidavit, would not cause much difference inasmuch as the original petitioner was never required to file such affidavit, in the first place.

8. It appears, other candidates who were called for interview but may not have appeared on the appointed date, were required to file certain affidavits. To the extent the petitioner was never called for interview for reason of wrong disclosure of his name, he was never burdened with the consequence of any mistake on his part. Therefore, wrong disclosure of fact with respect to such affidavit, carries less weight.

9. Thus, the error leading to the exclusion of the petitioner from the scope of consideration is attributable solely to the respondent authorities. The petitioner cannot be burdened with any liability on that count. He may only be held responsible in a limited way in contributing to the confusion or doubt that may have emerged at the stage of litigation i.e. in the writ proceedings where he may have taken a wrong stand of having filed an affidavit, even though he was never required to file such affidavit. That conduct of the petitioner may only have a bearing on the relief to be granted.

10. In view of the above, order passed by learned single judge may not be sustained. Present intra-Court appeal is thus **allowed**. The impugned order is set aside.

11. As to the relief, we observe, since the original petitioner is partially responsible for the doubt that may have emerged and considering the fact that many years have passed, he is entitled to be considered for appointment to the post of 'Safai Karmi' without back wages, etc. Relief has been proposed to the learned counsel for original petitioner - if the petitioner is willing to accept the appointment as on date without any consequential benefit. To that, the answer furnished to us is in the affirmative. Thus, no useful purpose may be served in now providing for interview. Original petitioner has established his commitment to work by pursuing the litigation over two decades. Accordingly, let the petitioner be appointed as 'Safai Karmi' against any available vacancy or through creation of supernumerary post, by respondent no.3 within a period of one month, subject to the fulfillment of procedural requirements.

(Vivek Saran,J.) (Saumitra Dayal Singh,J.)

March 18, 2026

Prakhar