



2026:AHC:32686

## HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 2178 of 2026

Deepak Kumar Srivastava

.....Petitioner(s)

Versus

State Of U.P. And 9 Others

.....Respondent(s)

---

|                           |   |                           |
|---------------------------|---|---------------------------|
| Counsel for Petitioner(s) | : | Hari Om Sahu, Vivek Singh |
| Counsel for Respondent(s) | : | C.S.C.                    |

---

**Court No. - 33**

**HON'BLE VIKAS BUDHWAR, J.**

1. Heard Sri Vivek Singh, learned counsel for the writ petitioner and Sri Jitendra Prasad, learned Standing Counsel for the State.
2. The case of the writ petitioner is that he was appointed as Collection Peon in the year 1994 and now the promotion exercise stood undertaken on 18.06.2025 for promotion to the post of Collection Amin. According to the writ petitioner, a post is lying vacant for which his claim can be considered, since he is eligible and qualified for the same. A statement has been made by learned counsel for the writ petitioner on instructions that he is not questioning the appointment of Respondent Nos. 4 to 10.
3. Sri Jitendra Prasad, learned Standing Counsel on the other hand submits that the promotion is not a fundamental right, but consideration is a right that too subject to availability of vacancy and also the eligibility and suitability.
4. Considering the submissions so made across the Bar, the writ petition stands **disposed of** directing the writ petitioner to prefer a comprehensive representation along with self attested copy of the writ petition and the certified copy of the order before Respondent no.2/ District Magistrate/Collector, Mirzapur, Tehsil Sadar, District Mirzapur, who on the said motion shall proceed to consider the claim of the writ petitioner strictly in accordance with law within a period of three months, from the date of production of certified copy of the order bearing in mind the eligibility, suitability and zone of consideration.

**February 13, 2026**

N.S.Rathour

**(Vikas Budhwar,J.)**