



2026:AHC:33596

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 2239 of 2026

Hariom Kumar And 10 Others

.....Petitioner(s)

Versus

State Of Up And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Mithilesh Kumar Tiwari
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Mithilesh Kumar Tiwari, learned counsel for the petitioners who are 11 in number and Sri Pramod Kumar Srivastava, learned Addl. Chief Standing Counsel, who appears for State-respondents.

2. The case of the writ petitioners who are 11 in number is that so far as the writ petitioner no. 1 is concerned, he was appointed on the post of Runner (Dhavak) on 21.02.2009, he was promoted as Junior Clerk on 01.10.2015 and further promoted as Senior Assistant and presently posted as Tubewell Division, Varanasi. The writ petitioner no. 1 also claims to be possessed diploma course of Mechanical Engineering. As regards, the writ petitioner no. 2 was appointed as Pump Operator on 22.11.2007, he has also completed diploma course of Mechanical Engineering, whereas the writ petitioner no. 3 was appointed as Mechanic on 29.01.2009, he was accorded permanency on 20.08.2013, he has also completed diploma course of Mechanical Engineering, petitioner no. 4 was initially appointed as Peon on 03.09.2002, he was accorded permanency on 29.08.2014, he is possessed diploma course of Mechanical Engineering. Petitioner no. 5 was initially appointed as Pump Operator on 20.02.2009, he was made permanent on 29.06.2013, he has completed diploma course of Mechanical Engineering, writ petitioner no. 6 was initially appointed as Runner (Dhavak) on 26.02.2009, he was accorded permanency on 13.06.2013, he has also possessed diploma course of Mechanical Engineering. Writ petitioner no. 7 was initially appointed on the post of Draftsman on 25.02.2009, his service was made permanent on 21.04.2015, he also possessed diploma course of Mechanical Engineering, petitioner no. 8 was appointed as Tubewell Operator on 01.12.2012, he was made permanent on

18.05.2016 and he has completed diploma course of Mechanical Engineering, petitioner no. 9 was appointed on the post of Junior Assistant on 22.08.2013, he was made permanent as Junior Assistant and promoted on the post of Senior Assistant and he completed diploma course of Mechanical Engineering, petitioner no. 10 who was appointed as Junior Assistant on 24.06.2014, he was accorded permanent on 29.09.2018, he was also possessed diploma course of Mechanical Engineering and writ petitioner no. 11 was appointed on the post of Junior Assistant on 29.08.2014, he was made permanent on 31.01.2018, he was promoted as Senior Assistant and he also possessed diploma course of Mechanical Engineering. According to the writ petitioners, they are entitled for being considered for promotion on the post Junior Engineer (Mechanical) under 10% quota in view of the Rule 5(3) read with Rule 8 of the U.P. Irrigation Department Mechanical Engineers (Subordinate) Service Rules, 1992.

3. Prayer in the present petition is for a direction to the respondents to consider the claim.

4. Learned Addl. Chief Standing Counsel submits that the writ petitioners only possessed a right to be considered for promotion, however, the same is subject to eligibility, suitability and compliance of the rules. He thus submits that the claim of the writ petitioners needs adjudication at the first instance by the second respondent, Engineer-in-Chief (Mechanical), Irrigation and Water Resources Department, U.P., Lucknow.

5. To such a submission, learned counsel for the petitioners has no objection and he gracefully accepts the same.

6. Considering the submissions of the rival parties as well as stand taken by them, the writ petition is being **disposed off** granting liberty to the writ petitioners to prefer a comprehensive representation along with the self-attested copy of the writ petition before the second respondent, who shall on the receipt of the same within a period of two weeks, proceed to decide the claim of the petitioners strictly in accordance with law within a period of four months from the date of presentation of the certified copy of the order. In case the second respondent is of the opinion that the matter is to be decided by some other authorities then the papers shall be transmitted to the same.

7. Needless to point out that the writ petition has been decided without

seeking any response from the respondents. Thus, passing of this order may not be construed to an expression that this Court has gone into the merits of the case.

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

February 16, 2026

Ashu

(Vikas Budhwar,J.)