



2026:AHC:30118

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 2051 of 2026

Shalini Gupta

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Kunal Shah
Counsel for Respondent(s)	:	C.S.C., Mahendra Narain Singh

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Kunal Shah, learned counsel for the petitioner, Sri V.K. Srivastava, learned Standing Counsel for the State and Sri S.K.Om has accepted notice on behalf of the respondent nos. 2 and 3.
2. A statement has been made by Sri. S.K Om who appears for the Commission that he does not propose to file any further affidavits and with the consent of parties, the writ petition is being decided at the admission stage itself.
3. The case of the writ petitioner is that the Uttar Pradesh Public Service Commission, respondent no. 2, published an advertisement bearing Advertisement No. A-5/E-1/2024 dated 28.8.2024 inviting online applications from eligible candidates for appointment to the post of Assistant Registrar in State Universities as notified under the Uttar Pradesh State Universities (Centralised) Service Rules, 1975.
4. Learned counsel for the petitioner claiming himself to be eligible and qualified in all respects applies within the stipulated time and in the column at page 65 of the paper book had shown his experience as an Office Assistant in the Department of Finance and Accounts in Teerthanker Mahaveer University, Moradabad from 20.7.2009 till 31.12.2016. However, writ petitioner was allotted Role No. 0005753. The result came to be published on 14.1.2026 wherein writ petitioner was found not eligible in view of the fact that the writ petitioner did not have seven years experience in the English and Hindi drafting and Account Rules in Government

institution or University. As per the notification dated 14.1.2026 the writ petitioner had remedy to prefer an appeal before appellate authority by 21.1.2026 at 5 P.M. The writ petitioner filed appeal before the appellate authority on 16.1.2026 following by supplementary appeal on 21.1.2026 however according to the writ petitioner by virtue of the order impugned dated 2.2.2026 without dealing with the contention so sought to be raised in the appeal, the appeal has been rejected by the Under Secretary, Uttar Pradesh Public Service Commission/respondent no. 2.

5. Learned counsel for the petitioner argued that the order dated 2.2.2026 rejecting the appeal preferred by the writ petitioner on 16.1.2026/21.1.2026 cannot be sustained particularly when the same is non speaking and unreasoned.

6. Submission is that appeal is a statutory valuable right and the same is to be decided after considering the contentions so raised in the memo of appeal. The order impugned does not advert to the crucial aspect of the matter that the writ petitioner claims eligibility on the basis of the document which he had referred to in the application form and also submitted before the forum.

7. Sri S.K. Om submitted that the writ petitioner claims eligibility on the basis of experience gained while working in a private institution. Thus, it is not to be considered however according to him the contention so raised by the writ petitioner has not been considered. He submits that the Commission acts in a transparent and impartial manner and in case it is the grievance of the petitioner that grounds are missing in the order impugned while rejecting the appeal then a speaking order would be passed.

8. Considering the submission so made across the Bar and after perusing the record, in the opinion of the Court once an appeal is preferred raising specific grounds, the same are required to be considered and adjudicated by this way or that way as per the law.

9. Since the impugned order is non-speaking and unreasonable and the appellate authority has failed to advert to the contentions raised by the writ petitioner, the impugned order cannot be sustained in the eyes of law.

10. Accordingly, the writ petition is being decided in the following terms:-

i. The order dated 02.02.2026 passed by respondent no. 3, i.e., the Under Secretary, U.P. Public Service Commission, insofar as it rejects the appeal of the writ petitioner bearing Roll No. 0005753, is hereby set aside.

ii. The appellate authority is directed to pass a reasoned and speaking order on the memo of appeal by Monday, i.e., 16.02.2026.

11. With the aforesaid observation the writ petition stands ***disposed of***.

12. Instructions filed today are taken on record and marked as Appendix 'A'.

(Vikas Budhwar,J.)

February 11, 2026

Sushma