



2026:AHC:36515

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 16839 of 2025

Dr. Saket Bihari And Another

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Indresh Kumar Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Aditendra Singh, Advocate holding brief of Sri Indresh Kumar Singh, learned counsel for the writ petitioners and Sri Pramod Kumar Srivastava, learned Additional Chief Standing Counsel for the State.

2. This Court on 28.01.2026 sought instruction from learned Standing Counsel.

3. The writ petitioners herein had earlier approached this Court by filing Writ A No. 1938 of 2024 (Dr. Saket Bihari and another Vs. State of U.P. and 4 others), which came to be disposed of on 04.03.2024, while passing following order:-

"1. Supplementary affidavit filed today is taken on record.

2. The petitioner has present petition inter alia with the following prayer:-

"I. Issue a writ order or direction of suitable nature commanding the respondents to grant promotion to the petitioners as Senior Medical Officer in the Level-II and as Consultant in Level-III w.e.f. the date of the their eligibility/date from which the first person Junior than the petitioners has been so promoted, within to be specified by this Hon'ble Court."

3. It is argued by learned counsel for the petitioners that a writ petition being Writ-A No7438 of 2022 (Dr. Sunil Kumar and 37 Others vs. State of U.P. and 4 Others) was filed with the similar controversy, in which the

interim mandamus was issued by this Court on 31.5.2022 directing the respondent no.1 in the aforesaid petition to consider the claim of the petitioner for granting promotion in Level-II Category with notional benefit as already granted to juniors to the petitioner vide order dated 30.6.2017.

4. It is argued by learned counsel for the petitioner that in the supplementary affidavit he has annexed the letter no.357/V-8-2023 dated 03.03.2023 issued by Special Secretary Medical Anubhag-8 Lucknow in compliance of the order passed by this Court on 31.5.2022 in Writ-A No7438 of 2022.

5. In this view, it is argued that the case of the petitioner is absolutely identical, hence the petitioner is also entitled for the same relief.

6. On the other hand, it is argued by learned Standing counsel that the representation dated 12.1.2024 of the petitioner is pending before the authorities, hence an appropriate direction may be issued to respondent authority to consider the grievance of the petitioner.

7. In view of the submission advanced by the learned counsel for the petitioner and considering the facts of the case, this Court is of the opinion that the petitioner is permitted to file a fresh representation along with a copy of this order raising all his grievances before the concerned competent authority i.e. respondent no.2 within a period of three weeks from today.

8. In case any such representation is filed by the petitioner, the competent authority shall decide the same within a period of six weeks thereafter in accordance with law.

9. The writ petition is disposed of with the aforesaid observations. "

4. Thereafter on 27.06.2024, an order came to be passed by the State Government promoting the writ petitioners from Senior Medical Officer level-I to Senior Medical Officer Level-II.

5. At present, the grievance of the writ petitioner is that he seeks promotion as Senior Medical Officer Level-3, which ought to have been

according to him particularly when he is eligible and qualified and in the earlier litigation, a direction was issued to consider the claim of the writ petitioner for promotion as Senior Medical Officer Level-3. Sri Pramod Kumar Srivastava, learned Standing Counsel submits that the claim of the writ petitioner is adjudication to respondent no. 2.

6. Considering the submissions so made across the bar, the writ petition stands disposed of directing the writ petitioners to prefer comprehensive representation along with a self attested copy of the writ petition before the respondent no. 2, who shall thereupon consider the claim of the writ petitioners within a period of three months bearing in mind the eligibility suitability and compliance of the rules.

(Vikas Budhwar,J.)

February 17, 2026

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