



2026:AHC:58483-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL No. - 203 of 2026

Sabhajeet Yadav

.....Appellant(s)

Versus

State Of Uttar Pradesh And 3 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Ramesh Prasad Mishra, Ranjana
Counsel for Respondent(s)	:	C.S.C.

Court No. - 3

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

1. Heard Sri R.P. Mishra, learned counsel for the original petitioner/appellant and learned Standing Counsel for the State-respondents.

2. Present intra-Court appeal has arisen against the order of the learned single judge dated 13.01.2026 in **Sabhajeet Yadav Vs. State of U.P. & Ors.; 2026:AHC:8134**. By that order, the learned single judge has dismissed the writ petition in terms of the following order :

"1. Heard learned counsel for petitioner and learned Standing Counsel for State.

2. Initially this writ petition was filed for issuing a mandamus to pay salary. No interim order was passed.

3. It is further case of petitioner that his services were terminated along with other persons vide an order dated 05.11.2004. Despite amendment application was allowed, learned counsel for petitioner has not amended the writ petition.

4. Court also finds that petitioner has declared his age as 56 years in the affidavit of restoration application in 2025 whereas as per his Aadhar Card annexed with said application, his date of birth is shown as 01.05.1961, therefore, presently, he is about 64 years, therefore, it is a case where petitioner is trying to mislead the Court.

5. Court also takes note that in given circumstances, the petitioner has not pressed this writ petition effectively from 2009, therefore, at this

belated stage, relief sought cannot be granted.

6. In view of above, this writ petition is liable to be dismissed, hence, it is dismissed."

3. Submission is, the original petitioner/litigant may not have been burdened with the consequences of negligence on part of his counsel not incorporating the amendment in the writ petition. To the extent, there is no dispute that the amendment application was filed by the original petitioner/litigant and the same had been allowed, the litigant may have largely lost control over the consequential acts to be performed by his counsel and not the litigant/original petitioner.

4. As to the discrepancy in the age, it has been submitted that for the purposes of age disclosure no reliance may be placed on the detail disclosed on the Aadhar Card. In any case, in absence of any dispute as to identity of the petitioner, the inference regarding intent to mislead the Court is too harsh and unwarranted considering the dispute brought before the Court with respect to salary dues etc.

5. Having heard learned counsel for the parties and having perused the record, it does appear that an error on principle may have been caused in the order of the learned single judge, to the extent it was recorded in paragraph no.3 of the impugned order itself that the amendment application filed by the petitioner had been allowed. It has to be accepted that the litigant/petitioner may not have been burdened with the consequence of the amendment being not incorporated in the record, by his counsel.

6. Dismissal of the writ petition for that reason, without any opportunity to the litigant may be harsh.

7. As to the issue of age also, we find that the order of the learned single judge may not be entirely correct inasmuch as no advantage was sought to be drawn by disclosure of different age on the Aadhar Card. The service tenure is to be governed according to the age recorded on service record and not affidavit filed in these proceedings.

8. The present intra-Court appeal is **allowed**, subject to payment of cost Rs. 1,000/- to be paid with the High Court Legal Services Committee within a period of 15 days from today.

9. Subject to payment of cost (as above), learned counsel for the petitioner may incorporate the amendment within a period of one week therefrom.

10. Subject to above compliance, the writ petition shall be restored to its original number and status and thereafter it may be listed before appropriate bench.

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

March 20, 2026
Abhilash