



2026:AHC-LKO:12274-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL DEFECTIVE No. - 146 of 2026

Kumari Mithilesh @ Mithilesh Kumari

.....Appellant(s)

Versus

State of U.P. Principal Secretary, Irrigation
Department, Lucknow and 2 others

.....Respondent(s)

Counsel for Appellant(s)	: Vinod Kumar Srivastava, Puneet Asthana
Counsel for Respondent(s)	: V.P. Nag (A.C.S.C.)

Chief Justice's Court

**HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE JASPREET SINGH, J.**

1. This appeal is directed against order dated 15.04.2024 passed by learned Single Judge, whereby the petition filed by the petitioner-appellant ('appellant') seeking appointment on the post of Seenchpal has been dismissed.
2. The appeal is barred by 632 days.
3. An application under Section 5 of the Limitation Act, 1963 has been filed *inter alia* indicating that after passing of the order by learned Single Judge on 15.04.2024, another writ petition seeking similar relief being Writ-A No. 3380 of 2024 was filed by the appellant, which was permitted to be withdrawn with liberty to file special appeal, by learned Single Judge which has led to the delay in filing the special appeal.
4. The ground sought to be raised essentially amounts to an admission on part of the appellant that the order passed on 15.04.2024 dismissing the writ petition was suppressed and a fresh petition seeking same relief was filed, which remained pending and ultimately was permitted to be withdrawn.
5. Be that as it may, as we have examined the matter on merits, the delay in filing the special appeal is condoned.

6. The appellant had applied pursuant to the advertisement dated 31.07.2007 on the post of Seenchpal and on failing to get selected, she filed Writ-A No. 1580 of 2015, which came to be decided on 01.04.2022, requiring the respondents to decide the representation to be made by the appellant. The representation made came to be decided against which the writ petition was filed.

7. Learned Single Judge, after hearing the parties, came to the conclusion that there were 09 backlog vacancies for the post of Seenchpal, of which 08 were reserved for Scheduled Caste and 01 for Other Backward Class. As per the merit list produced by the respondents along with the supplementary counter affidavit, the last selected candidate belonging to Scheduled Caste had obtained 32 marks, whereas the appellant had obtained only 19 marks and as such, she was rightly not appointed by the respondents and consequently, the writ petition was dismissed.

8. Counsel for the appellant made submissions that learned Single Judge was not justified in dismissing the writ petition, inasmuch as the aspect pertaining to grant of horizontal reservation to women was not examined and as the horizontal reservation was not granted in the selection process, the selection stood vitiated and therefore, the order impugned deserves to be set aside.

9. We have considered the submissions made and have perused the material available on record.

10. A bare look at the grounds raised in the writ petition reveals that not a word has been indicated pertaining to the non-grant of horizontal reservation by the respondents pertaining to the vacancies in question.

11. Besides the above, the non-grant of reservation which is sought to be alleged by the appellant essentially touches on the validity of the advertisement itself, which was issued in the year 2007 and though the same was not questioned by the appellant at the relevant time, after the result was declared and the appellant failed to get selected, the challenge was laid wherein also the issue was not raised.

12. Besides the above, the nature of challenge, if sustained, would result

in disturbing the already selected candidates, however, none of the selected candidates, who would be a necessary party, was impleaded as respondent.

13. For all these reasons, the challenge to the order passed by learned Single Judge on a totally fresh ground in the present special appeal on account of above aspect cannot be countenanced.

14. The appeal is therefore, **dismissed**.

(Jaspreet Singh, J) (Arun Bhansali, CJ)

February 17, 2026

Raj/AHA