



2026:AHC:6613

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 19339 of 2025

Vindhyavasini Prasad Tiwari

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Smt. Chandra Kala Chaturvedi, Vivek Chaturvedi
Counsel for Respondent(s)	: C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Ms. Manisha Chaturvedi, learned counsel for the writ petitioner and Sri Gaurav Singh, learned Standing Counsel for the State.

2. The writ petitioner herein had earlier approached this Court while filing Writ-A No.3580 of 2024, Indramohan Chaubey and 3 others vs. State of U.P, in which following orders were passed: -

"1. The petitioners have preferred the present writ petition with the following prayers:-

"I. Issue a writ, order or direction in the nature of mandamus commanding the respondent no.2 to grant promotion to the petitioners on the post of Collection Amin from the post of Collection Peon in the District Mirzapur in the light of the U.P. Collection Amins Service Rules, 1974 and Government Orders dated 14.10.2020 and 19.07.2023 by finalizing the seniority list within stipulated period of time (Annexure No. 2 to this writ petition).

II. Issue a writ, order or direction in the nature of mandamus commanding the respondent no.2 to grant the promotion to the petitioners deciding their application / representation dated 06.11.2023 (Annexure No. 5 to this writ petition) in terms of the U.P. Collection Amins Service Rules, 1974 and Government Orders dated 14.10.2020 and 19.07.2023."

2. It is argued by learned counsel for the petitioners that in this regard, the petitioners have made various representations before the concerned authorities which is still pending consideration but till date no decision has been taken in the matter.

3. Heard learned counsel for the parties and perused the record.

4. In the facts and circumstances of the case and with the consent of learned counsel for the parties, the present petition has been disposed of directing the petitioner to move fresh representation before the respondent No.2/District Magistrate, Mirzapur along with necessary documents and certified copy of this order within a period of

three weeks. In case, the petitioner will file fresh representation within the aforesaid period, the respondent No.2 will pass appropriate orders on the same most expeditiously and preferably within a period of six weeks thereafter strictly in accordance with law.

5. Since the writ petition has been decided on an ex-parte version without seeking any response from the respondents, thus the passing of the order today may not be construed to an expression that this Court has gone into the merits of the matter and the respondent No.2 shall accord independent consideration strictly in accordance with law and the mandate of law holding the field."

3. Thereafter, since the said order has not been complied with, a Contempt Petition came to be preferred by the writ petitioner. Thereafter on 18.06.2025, one of the similarly situated person, who had filed Writ-A No.3580 of 2024, was accorded promotion on the post of Collection Amin and with regard to the writ petitioner therein an order was passed on 25.06.2025 mentioning therein that the name of the writ petitioner does not find place at a position whereby he can be accorded promotion, particularly when the vacancies are not lying vacant. Learned counsel for the writ petitioner has sought to argue that one of the incumbents namely Sri Kalp Nath has already superannuated so a vacancy has arisen, against which the writ petitioner can be allotted berth.

4. Prayer in the present writ petition is for a direction to the respondents to consider the claim of the writ petitioner.

5. Learned Standing Counsel on the other hand submits that the claim of the writ petitioner needs adjudication at the first instance by Respondent no.2.

6. Considering the submissions so made across the Bar, the writ petition stands **disposed of** directing the writ petitioner to prefer a comprehensive representation along with self attested copy of the writ petition and the certified copy of the order before Respondent no.2 by 22.01.2026, who on the said motion shall proceed to consider the claim of the writ petitioner strictly in accordance with law within a period of two months, from the date of production of certified copy of the order.

January 12, 2026

N.S.Rathour

(Vikas Budhwar,J.)