



2026:AHC:57263

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 14676 of 2024

Ran Bahadur Singh

.....Petitioner(s)

Versus

State Of Up And 4 Others

.....Respondent(s)

Counsel for Petitioner(s) : Satya Kumar Singh, U.S. Verma
Counsel for Respondent(s) : C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri U.S. Verma, learned counsel for the writ petitioner and Sri Manish Kumar, learned Standing Counsel for the State.
2. Since counter and rejoinder affidavits have been exchanged between the parties and the learned counsel for the parties do not propose to file any further affidavit, the writ petition is being decided at the admission stage.
3. The case of the writ petitioner is that he was selected in the year 1995 by the U.P. Public Service Commission, Allahabad on the post of Sub-Registrar (Stamp & Registration) and his first posting was as a trainee on 22.01.1998 at Chail Sadar, District Allahabad. The writ petitioner came to be transferred from one place to another. It is also the case of the writ petitioner that in the Seniority List, his name found place at Sl. No.145 and Sri Sant Kumar Rawat, Sri Chandan Prasad and Sri Ashok Katheira were placed at Sl. Nos. 146, 147 and 148. Though according to the writ petitioner, the promotional exercise for promotion on the post of Assistant Inspector General (Registration)/ Assistant Stamp Commissioner stood was undertaken, but the claim of the writ petitioner for promotion was not considered and in the meantime on 31.07.2022, the writ petitioner superannuated. Since the writ petitioner was not accorded the promotional grade for the year 2019 in terms of the Government Order dated 23.08.1997, which constrained the writ petitioner to file the present writ petition.
4. This Court entertained the present writ petition on 20.09.2024 while seeking instructions, order whereof is quoted hereinunder:-

"Mr. S.C. Upadhyay, learned Standing Counsel is granted three day's time to seek instructions in the matter from the Principal Secretary, Department of Stamp and Registration, Lucknow. The Principal Secretary is ordered to furnish adequate instructions to Mr. S.C. Upadhyay to answer this petition.

Lay as fresh on 25.09.2024.

Let this order be communicated to the Principal Secretary, Department of Stamp and Registration, Lucknow through the Chief Judicial Magistrate, Lucknow by the Registrar (Compliance) within 24 hours."

5. Thereafter, on 22.10.2024, the following orders have been passed:-

"In pursuance to the previous orders passed by this Court, the Standing Counsel has obtained instructions in the matter and has handed over a copy of the same to the Court which is taken on record.

The Standing Counsel represents respondent nos. 1 & 2. No notices are required to be issued to respondent nos.3 to 5 at this stage.

The Standing Counsel prays for and is granted eight weeks' time to file his counter affidavit. The petitioner shall have four weeks' thereafter to file his rejoinder affidavit.

List before the Registrar after expiry of the aforesaid period who shall fix any date for admission if counter affidavit and rejoinder affidavit have been filed by the parties. The Registrar may, if necessary, grant further opportunities to the parties to file their affidavits but not more than two further opportunities shall be granted by the Registrar."

6. A counter affidavit has been filed sworn by Assistant Inspector General (Registration), Bulandshahr on behalf of Respondent no.2, to which a rejoinder affidavit has been filed.

7. Learned counsel for the writ petitioner has made a statement at Bar that he is not questioning the promotion of Respondent nos. 3 to 5, as there is no prayer made in the relief clause, however, the writ petitioner had only impleaded respondent nos. 3 to 5 as a party-respondents just in order to show that his case is rather on better or similar footing. In view of the said statement as well as the order proposed to be passed, this Court is not issuing notice to the Respondent nos. 3 to 5.

8. Learned counsel for the writ petitioner has submitted that inaction on the

part of the respondents in not considering the claim of the writ petitioner for promotion on the post of Assistant Inspector General (Registration)/ Assistant Stamp Commissioner is not only illegal, but also tantamounts to violation of Article 14 read with Article 16 of the Constitution of India for the simple reason that in the Seniority List, the name of the writ petitioner stood placed at Sl. No.145, Sri Kant Rawat, Sri Chandan Prasad and Sri Ashok Kumar at Sl. No.146, 147 and 148, and they were accorded promotion, but the writ petitioner had not been accorded promotion. According to him, Pradeep Rana, Devendra Kumar and Brijesh Kumar were accorded promotion but the claim of the writ petitioner has been side tracked without any justification.

9. Sri Manish Kumar, learned Standing Counsel on the basis of the averments made in the counter affidavit submits that the claim of the writ petitioner could not be considered on account of various factors including the fact that there were certain incumbents, who post-enforcement of Uttar Pradesh Re-organization in 2000 were working in Uttarakhand and thereafter post-exercise undertaken by virtue of the order passed in Writ-A No.3775 of 2023, Sheel Bhandra Chandra vs. State of U.P., now certain directions were issued by the Writ-Court and now consideration would be made for promotion of the writ petitioner as he in this regard seeks to rely upon para-18 of the counter affidavit.

10. I have heard the submissions so made across the Bar and perused the records.

11. Apparently, the writ petitioner claims to be appointed on the post of Sub-Registrar (Stamps & Registration), who superannuated on 31.07.2022. He seeks promotion on the post of Assistant Inspector General (Registration)/ Assistant Stamp Commissioner. Allegation has been made that the junior to the writ petitioner as noted above stood promoted, but the case of the writ petitioner stands side-tracked. In para-18 of the counter affidavit, the following averments have been made:-

"18. That the contents of paragraph No. 25 of the writ petition are not admitted as stated, hence denied. In reply thereto it is submitted that the petitioner has a right to be considered for promotion and his representation on the matter of notional promotion will be considered in the current facts and circumstances in accordance

with law."

12. Since it is the stand of the respondents that the claim of the writ petitioner would be considered, though the writ petitioner stands retired on notional basis, thus without delving into the issue any further, the writ petition stands disposed of in the following terms:-

(a) The writ petitioner shall approach the second respondent by way of comprehensive representation along with self attested copy of the writ petition and the certified copy of the order by 10.04.2026.

(b) On the said motion, second respondent, Assistant Inspector General (Stamp & Registration), Bulandshahr shall accord consideration to the claim of the writ petitioner for promotion and do the needful within a period of three months bearing in mind the eligibility, suitability and other factors, which are germane for the purposes of consideration and criteria for promotion.

March 19, 2026

N.S.Rathour

(Vikas Budhwar,J.)