

Court No. - 34

Case :- WRIT - A No. - 16411 of 2023

Petitioner :- Kanhaiya Lal Chauhan And 82 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Siddharth Khare, Sr. Advocate

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar, J.

Heard Sri Ashok Khare, learned Senior Advocate assisted by Sri Mohd. Yasin, learned counsel for the petitioner and learned Standing Counsel for the State respondents.

Instructions have been obtained and placed before this Court today by learned Standing Counsel, which are taken on record.

Petitioners, who were technical holder in Pharmacy Ayurvedic/ Yunani are setting up their claims for being appointed as Pharmacist under the U.P. Procedure for Direct Recruitment for Group 'C' posts (Outside the Purview of the Uttar Pradesh Public Service commission) Rules, 2002 under the U.P. Ayurvedic and Yunani Pharmacists Service Rules, 1991 and they say that as per the judgment of Division Bench of this Court in the case of **Prem Chandra and others v. State of U.P. and others: 2009 SCC OnLine All 480** affirmed by Supreme Court in the case of **State of U.P. and another v. Santosh Kumar Mishra and another: 2010 (9) SCC 52**, later on followed by coordinate Bench of this Court in the case of Satish Chandra Gupta and another v. State of U.P. and another in Writ Petition No.- 1962(SS) 2007 and in the connected matters decided 21st July, 2009.

Sri Khare submits that as per the letter written by the Director, Auyurvedic Services, U.P. Lucknow to the Chief Secretary, Government of Uttar Pradesh, Auyush Department on 9th October, 2019, 25% of the vacancies of Pharmacist in Ayurvedic hospitals are lying vacant and, therefore, giving benefit of batch-wise seniority and appointment to the petitioners having obtained Diploma between the year 2010 and 2014, the respondents could not give approval to consider the claim of petitioners for appointment. It is submitted that in above regard petitioners have already made representation on 7th March, 2023 before the Chief Minister, State of U.P. but the same has remained pending till date.

Learned Standing Counsel submits that if petitioner makes proper representation to the respondent No.- 1 within a certain period of time which may be prescribed by this Court, the same may be looked into in the light of the law laid down by the Supreme Court and this Court as well.

In view of the above, this petition stands disposed of with a direction that in the event petitioners approach the respondent No.- 1 with a comprehensive representation annexing therewith all the requisite documents including the judgments of this Court and of Supreme Court which are being relied upon hereinabove, within a period of four weeks from today, the same shall be considered and disposed of by respondent No.- 1 by means of a reasoned and speaking order considering all the aspect of the matter including the legal aspects within a further period of two months.

Order Date :- 26.10.2023

Atmesh