

Court No. - 21

Case :- SPECIAL APPEAL DEFECTIVE No. - 789 of 2023

Appellant :- Gaurav Kumar

Respondent :- State Of U.P. And 4 Others

Counsel for Appellant :- Ashish Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Donadi Ramesh,J.

Ref: **Civil Misc. Delay Condonation Application No. 2 of 2023**

1. The appeal is reported to be beyond time by 307 days.
2. Cause shown in the affidavit filed in support of the delay condonation application is good and sufficient.
3. The delay in filing the substitution application is condoned.
4. Application is allowed.

Order Date :- 7.11.2023

Mukesh Kr.

(Donadi Ramesh,J.) (Manoj Kumar Gupta,J.)

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Hon'ble Donadi Ramesh,J.

Ref: **Order on memo of appeal.**

1. The instant intra-court appeal is directed against the order dated 25.11.2022 passed by learned Single Judge dismissing the petition bearing Writ-A No. 5477 of 2020, wherein, appellant was arrayed as petitioner No. 8.
2. Learned counsel for the appellant submits that the instant appeal is concluded by judgment dated 31.10.2023 in Special Appeal No. 93 of 2023, 'Kapil Kumar and 7 others vs. State of U.P. and 4 others' and other connected matters.
3. The said appeal was allowed and identical order of learned Single Judge in relation to the same recruitment was set aside and various directions were issued.
4. Shri Rajiv Gupta, learned Addl. Chief Standing Counsel is not in a position to dispute the aforesaid factual position.
5. Accordingly, the instant appeal is also allowed. The judgment of learned Single Judge dated 25.11.2022 insofar as it relates to the appellant is, hereby, set aside and the appeal is disposed of in terms of the order dated 31.10.2023 in Special Appeal No. 93 of 2023, 'Kapil Kumar and 7 others vs. State of U.P. and 4 others' and other connected matters.

Order Date :- 7.11.2023

Mukesh Kr.

(Donadi Ramesh,J.) (Manoj Kumar Gupta,J.)