

Court No. - 1

Case :- SPECIAL APPEAL DEFECTIVE No. - 775 of 2023

Appellant :- Shubham Pathak

Respondent :- State Of U.P. Thru. Secy. Social Welfare Civil Sectr. Lko.
And Others

Counsel for Appellant :- Vinod Kumar Pandey

Counsel for Respondent :- C.S.C.,Atul Kumar Dwivedi

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Om Prakash Shukla,J.

Heard learned counsel for the parties.

This intra court appeal filed under Chapter VIII Rule V of Allahabad High Court Rules, 1952 has arisen out of judgement/order dated 05.09.2019 passed in W.P.No.6919(M/S) of 2015 whereby the writ court has rejected the writ petition on the ground that the financial aid could not be extended to the appellant on account of financial constraints and as per the degree of preference being distant.

There is a delay of 744 days in filing the present appeal.

An application for condonation of delay supported with an affidavit has been filed alongwith the appeal.

On a careful consideration of the explanation spelt out in the affidavit, we do not find that the explanation offered by the appellant is plausible. Even otherwise, the appellant does not have any indefeasible right to claim the financial aid contrary to the provisions of the scheme as has rightly been appreciated in the judgement impugned herein.

The application for condonation of delay is rejected and consequently the appeal also stands ***dismissed***.

Order Date :- 10.10.2023

Shahnaz