

Court No. - 1

Case :- SPECIAL APPEAL No. - 493 of 2023

Appellant :- Satish Alias Sateesh Kumar

Respondent :- State Of U.P. Thru. Addl. Chief/ Prin. Secy. Rural Development Deptt. Lko And Others

Counsel for Appellant :- Girish Chandra Verma

Counsel for Respondent :- C.S.C.

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Om Prakash Shukla,J.

1. Heard Shri Girish Chandra Verma, learned counsel for the appellant and Shri Amitabh Rai, learned Additional Chief Standing Counsel representing the State-respondents.

2. This intra-court appeal filed under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952 has assailed two judgments/orders rendered by the Writ Court in Writ-A No.7042 of 2023 on 20.09.2023 and Writ-A No.7463 of 2023 on 04.10.2023. According to the appellant, the cause giving rise to the two writ petitions was a composite cause.

3. The appellant belongs to Other Backward Class. An advertisement was issued by a private service provider, namely, Hope Care Services on 08.09.2023 for recruitment of the candidates on the post of Additional Program Officer. Although a complete copy of the advertisement is not placed on record, but the last date for submission of applications as per the document placed on record is mentioned as 16.09.2023. The appellant does not appear to have made any effort either to question any condition of the advertisement or to have filed any

application in response to the advertisement within time. For the first time an objection dated 19.09.2023 is stated to have been submitted in the office of District Magistrate, Lakhimpur Kheri of which an authentic proof of its receipt is not filed. Even otherwise, the said application was made after the last date upto which the applications were to be received i.e. 16.09.2023.

4. The writ court having regard to the fact that the advertisement was issued by a private agency has observed that the writ petition challenging the advertisement issued by a private agency was not maintainable. The cause on the strength of the alleged objection also did not accrue to the appellant for the reason that the said application was made after the deadline fixed for receiving the application forms. After dismissal of the first writ petition i.e. Writ-A No.7042 of 2023, the appellant does not appear to have assailed the said order except by filing a successive writ petition being Writ-A No.7463 of 2023. The writ court taking note of the relevant facts including the fact that earlier writ petition for the same cause was dismissed, a successive writ petition for the same relief would not lie.

5. Shri Amitabh Rai, learned Additional Chief Standing Counsel representing the State at the very outset has raised a preliminary objection that a single appeal against the two judgments arising out of the two separate orders passed by the

writ court would not be maintainable and that apart, it is also argued that even if the objections raised by the appellant had led to accrual of any cause, yet, the same was belated. No right whatsoever would accrue to the appellant once he is not in the tray of consideration.

6. The submission put forth by the learned Additional Chief Standing Counsel has force. The special appeal even if assumed to be maintainable against both the orders, yet the orders passed by the Writ Court on the reasoning spelt out therein do not call for any interference under the appellate jurisdiction of this Court.

7. The special appeal being devoid of merit, is hereby **rejected**.

Order Date :- 16.10.2023
akhilesh/