



2025:0004-1 K03:298275

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 14433 of 2025

Lalit Mohan Mishra

.....Petitioner(s)

Versus

District Magistrate, Gonda And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Karunakar Srivastava, Shiv Sinha
Counsel for Respondent(s)	:	C.S.C.

Court No. - 7

HON'BLE MANISH MATHUR, J.

1. Heard Mr. Karunakar Srivastava, learned counsel for petitioner and learned State Counsel for opposite parties.
2. Petition has been filed challenging orders dated 26.04.2025 and 28.11.2025 pertaining to medical examination of petitioner in terms of directions issued by this Court.
3. It has been submitted that earlier petitioner had filed Writ Petition No. 4590 (SS) of 2013 against order dated 31.07.2013 which directed superannuation of petitioner upon attaining the age of superannuation. The said petition was allowed vide judgment and order dated 06.03.2017 holding that petitioner was not a Government Servant and therefore, the age of superannuation of 60 years would be inapplicable in his case. The order impugned therein dated 31.07.2013 was quashed and a direction was issued that petitioner would be permitted to continue to work as Pairavi Clerk which would be subject to physical and mental fitness to be examined by the Chief Medical Officer concerned every six months. Operative portion of the judgment and order dated 06.03.2017 is as follows:-

"The petitioner shall be permitted to work as pairvi clerk, however, his continuance shall be subject to physical and mental fitness to be examined by the Chief Medical Officer concerned every six months. It is further provided that since the petitioner has not discharged any function since 31.07.2013, he shall not be entitled to be paid any back

wages or remunerations."

4. It appears that aforesaid judgment was thereafter challenged in Special Appeal Defective No. 331 of 2017 which was dismissed vide judgment and order dated 11.08.2017 particularly indicating the fact that in terms of Para - 129 of the U. P. Gram Sabha Manual, there is no mention of any retirement age with regard to post held by the petitioner. The aforesaid judgment has attained finality.

5. It is submitted that in pursuance thereof, medical examination of petitioner to assess his physical and mental fitness is taking place every six months but by means of impugned order, same period has been curtailed to three months without modification of judgment of this Court. It is also submitted that Chief Revenue Officer, Gonda has also been nominated by the District Magistrate to oversee the medical examination of petitioner.

6. It is therefore submitted that impugned orders are in violation of directions issued by this Court.

7. Learned State Counsel has been provided written instructions dated 16.12.2025, a copy of which is taken on record and as per which, it is submitted that looking to the advanced age of petitioner medical examination is conducted in pursuance of the directions issued by this Court. It is also indicated that in terms of directions issued by this Court, medical examination is being conducted by the Chief Medical Officer. Mere nomination of Chief Revenue Officer to oversee the aforesaid proceeding does not in any manner violate directions issued by this Court since there is no prohibition indicated. It is also submitted that in terms of directions, petitioner has not yet presented himself for medical examination. It is further submitted there are various complaints with regard to functioning of petitioner which are under consideration of the authorities.

8. Upon consideration of submissions advanced by learned counsel for parties and perusal of material on record, it is evident that a Co-ordinate Bench of this has clearly issued a direction vide order dated 06.03.2017 that petitioner would be permitted to continue as Pairavi Clerk which would be subject to physical and mental fitness to be examined by the Chief Medical Officer concerned every six months.

Once specific time period has been indicated by this Court, opposite parties are duty bound to comply with the same not to change the aforesaid time period without permission of this Court. The direction for medical examination of petitioner every three months is therefore clearly in violation of the judgment and order dated 06.03.2017.

9. So far as the aspect of Chief Revenue Officer being deputed to oversee the aforesaid medical examination is concerned, this Court notices that there is no such prohibition in the directions issued by this Court particularly since admittedly the medical examination of physical and mental fitness of petitioner is to be performed by the Chief Medical Officer is concerned.

10. In view of aforesaid facts and circumstances, impugned order dated 26.04.2025 directing tri-monthly medical examination of petitioner being in violation of directions issued by this Court is hereby quashed by issuance of a Writ in the nature of Certiorari. The opposite parties are directed to hold medical examination of petitioner only every six months as directed by this Court.

11. Learned State Counsel has also referred to the instructions to submit that there are various complaints with regard to petitioner's functioning. Since the aforesaid aspect is not required to be adjudicated upon by this Court in the present writ petition, same are being ignored. However, it is clarified that in view of such complaints, it is open to the opposite parties to proceed in accordance with law, particularly with regard to service conditions of Pairavi Clerk as indicated in para - 129 of the Gram Sabha Manual.

12. With the aforesaid directions, petition succeeds and is **allowed partly** to the aforesaid extent. Parties to bear their own costs.

December 17, 2025
lakshman

(Manish Mathur,J.)