2026:AHC:190598

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 14462 of 2026

Kashinath Pandey

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Shashi Kant Dwivedi
Counsel for Respondent(s)	:	C.S.C., Shesh Kumar Srivastava

Court No. - 6

HON'BLE SIDDHARTH NANDAN, J.

1. Heard Sri Shashi Kant Dwivedi, learned counsel for the petitioner, learned Standing Counsel for the respondent no.1 and Sri Shesh Kumar Srivastava, learned counsel for the respondents no. 2 and 3.

2. The contention of the counsel for the petitioner is that he was appointed as a Certificate Writer in the respondent-University on 18.10.1992, and his claim for regularisation has been arbitrarily rejected vide the impugned order, on the pretext that in the year 1992 his appointment was not as per the procedure. He has further submitted that his juniors, who were appointed in a similar manner, have already been regularised. He has placed before this Court his seniority list at page 29, which is part of Annexure-2 to the affidavit filed along with the writ petition, and it has been asserted that his juniors, namely, Sri Manoj Kumar Dwivedi, Sri Nigameshwar Pandey and Sri Sanjay Kumar Mishra, have already been regularised.

3. The said fact has not been disputed by the counsel appearing on behalf of the University; however, he submits that Sri Nigameshwar Pandey was regularised in pursuance of the direction of this Court.

4. The perusal of the order dated 20.09.2018 passed in Writ-A No. 22831 of 2008, (Nigameshwar Pandey vs. State of U.P. and others), indicates that, pertaining to the issue of regularisation, the Vice Chancellor of the Sampurnanand Sanskrit University, Varanasi, vide letter dated 20.08.2007, had recommended the names of four Certificate Writers,

which included the names of Pradeep Kumar Pathak, Sushil Kumar Tiwari, Manoj Kumar Dwivedi and Sanjay Kumar Tiwari, for absorption in the University; and the said letter also recorded that the seniority of the employees was also to be considered for absorption/regularisation.

4. Taking note of the said letter dated 20.08.2007, the Court considered the grievance of Nigameshwar Pandey and found that his name was arbitrarily left out from the list of employees recommended, and, placing reliance upon a decision of the Apex Court in (E.P. Royappa vs. State of Tamil Nadu), reported in (1974) 4 SCC 3, observed that the said decision has stood the test of time; and has been followed consistently by the Apex Court. The case of Hon'ble Supreme Court in (Navtej Singh Johar v. Union of India) reported at 2018 SCC OnLine SC 1350 and (Sharma Transport Vs. State of Andhra Pradesh) reported in (2002) 2 SCC 188 was relied upon and thereafter the following directions were issued:-

"(I) The claim of the petitioner for being regularised/absorbed in the respondent university against a sanctioned post is lawful and valid.
(II) The petitioner is similarly situated to the four employees who were absorbed by order dated 2.2.2008.
(III) The petitioner is found to be entitled to be regularised/absorbed in the respondent University from the date of the absorption of the four employees who was absorbed against the regular sanctioned posts by letter dated 2.2.2008.
22. A mandamus is issued commanding the respondent no.3, Registrar, Sampurnanand Sanskrit University, Varanasi and Secretary, Higher Education, Govt. of U.P. to take all consequential measures and take out an communications in regard to the absorption of the petitioner against a regularly sanctioned post within a period of six months from the date of receipt of certified copy of this order. "

5. The respondent-University has also preferred Special Appeal Defective No. 386 of 2019, (Sampurnanand Sanskrit Vishwavidyalaya and Another vs. State of U.P. and Another), and the judgment of the learned Single Judge dated 20.09.2018 was affirmed, and the said appeal was also dismissed on merits, with a finding that Sri Nigmeshwar Pandey had been singled out and treated in a discriminatory manner, and hence the learned Single Judge had rightly allowed the writ petition, and no fault was found in the judgment passed by the learned Single Judge.

6. The said judgment dated 30.04.2019 was assailed by the respondent-University by way of filing Special Leave to Appeal (C) No. (s) 28349 of 2010, and the same was also dismissed, with an observation that there was no ground to interfere with the judgment passed by the High Court.

7. In view of the aforesaid and the admitted position, the petitioner also seeks parity with the judgment in the case of Nigemshwar Pandey (supra), as admittedly, he is found to be junior to the petitioner herein.

8. At this stage, Sri Shesh Kumar Srivastava, learned counsel for respondents nos. 2 and 3, has very fairly submitted that the seniority list clearly indicates that Sri Nigmeshwar Pandey was much junior to the petitioner, and once it has been found that his appointment was in order and he was entitled to be considered for regularisation, and now he has also been regularised in service, the petitioner's claim ought to have been considered in the light of the said judgment, and it was not open for the University to go into the legality of the appointment at such a belated stage when the petitioner has already worked for 34 years.

9. In view of the aforesaid, no fruitful purpose shall be served by keeping the present writ petition pending, and notice to respondent no. 4, being a proforma respondent, is also dispensed with. With the consent of the parties, the present writ petition has been decided at the admission stage.

10. Since the controversy regarding the appointment of Certificate Writers in Sampurnanand Sanskrit University, Varanasi, has been determined and the same has attained finality up to the stage of the Apex Court, the impugned order dated 22.06.2026 cannot be sustained and, for the reasons stated hereinabove, the same is hereby set aside, with a direction to the respondent-University to consider the claim of the petitioner for being regularised/absorbed against a sanctioned post from the date of absorption of the employee who was junior to the petitioner, i.e., the employee absorbed against the regular sanctioned post vide letter dated 02.02.2008.

11. A mandamus is accordingly issued commanding respondent no. 3 and the Secretary, Higher Education, Government of U.P., to take all consequential measures for consideration of the claim of the Petitioner for absorption against a regularly sanctioned post, within a period of six

months from the date of receipt of a certified copy of this order.

12. The writ petition is accordingly allowed.

(Siddharth Nandan,J.)

September 11, 2026
piyush

Digitally signed by :-
PIYUSH KUMAR
High Court of Judicature at Allahabad