2026:AHC:228010

HIGH COURT OF JUDICATURE AT ALLAHABAD
WRIT - A No. - 17437 of 2026

Manish Kumar and 7 others

.....Petitioner(s)

Versus

State of U.P. and 4 others

.....Respondent(s)

Along with :

1. **Writ - A No. 17547 of 2026:**
Ran Jeet Kumar and 25 others

Versus

State of U.P. and 2 others

Counsel for Petitioner(s)	:	Sanjeev Kumar Yadav, Siddharth Khare, Sr. Advocate
Counsel for Respondent(s)	:	C.S.C., Siddharth Singhal, Uday Pratap Singh

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Court No. - 33

HON'BLE MANISH KUMAR NIGAM, J.

1. Heard learned counsel for the petitioners, Shri Siddharth Singhal, learned counsel for the Commission, Shri Uday Pratap Singh, learned counsel for respondent no. 5 and perused the record.

2. This petition has been filed challenging the order dated 29.09.2026 whereby the State Government has taken a decision that since PET qualification has been upheld by this Court, therefore, there is no need to pass any further order.

3. It has been contended by learned counsel for the petitioners that 1308 post were advertised for veterinary pharmacists and as per the service rules, one of the eligibility conditions is a two year three months diploma in veterinary pharmacy from a university/institution established by law in India. It has been further submitted by learned counsel for the petitioners that in State of U.P. there is only one university which provide such diploma since 2013. The maximum number of students who might possess this degree in last ten years, is around 600, though there is some dispute regarding the exact number of candidates having requisite qualification.

4. Learned counsel for the petitioners has submitted that though the rules provide the said qualification from any other university or institution established by law in India, there is every possibility that some other universities may also be providing the said diploma.

5. It is further submitted by learned counsel for the petitioners that one of the conditions for making an application in pursuance to the advertisement is that the candidate must have qualified the PET Examination-2025.

6. The department itself has recommended the matter to the Government to reconsider the condition of qualifying PET Examination-2025 as in the opinion of the department there is every likelihood that the candidate having such qualification is very few, vis-a-vis 1308 post advertised.

7. Learned counsel for the Commission has submitted that there is a possibility that the persons from other state may also apply in pursuance to this advertisement, and therefore, the contention of the learned counsel for the petitioners that the number of persons applying for the post of veterinary pharmacists will be less than the post advertised, is hypothetical.

8. Learned counsel for the petitioners has submitted that of course there is a possibility that persons of other State may have the same degree from the university in their State or in other State but it is unlikely that those students possessing the diploma would have applied and qualified the PET Examination-2025.

9. Learned counsel for the petitioners further submitted that though the department as referred the matter to the Government, the Government instead of taking decision has referred the matter to the Commission and the Commission by its letter dated 22.09.2026 has submitted that PET qualification has been accepted by this Court and for this reason, the respondent has held that compliance of order of this Court has been made earlier and therefore, nothing remains to be decided. The impugned order dated 29.09.2026 has been passed without considering the factual aspect as mentioned by the department and submitted by the petitioners. No independent decision has been taken by the State-Government and has passed the order merely on the opinion of the Commission that condition of qualifying the PET Examination-2025 has been upheld by this Court.

10. I have perused the order impugned dated 29.09.2026. There is no

independent consideration of the recommendation made by the department to the Government and the order has been passed only on the basis of opinion of the Commission that condition of possessing the PET Examination-2025 has been upheld in other matters.

11. Considering the peculiar facts and circumstances of the case, I am of the opinion that the respondents ought to have consider the factual aspect of the matter before taking to any decision specially when the PET Examinaiton-2025 is nothing but screening test and in case, as mentioned by the petitioners and also accepted by the department in its recommendation that there is possibility that only very few students less than the post advertised may fulfill the condition prescribed in the advertisement.

12. Shri Manish Goel, learned Senior Counsel has submitted that in view of these circumstances, it would be appropriate that the State may also reconsider its decision.

13. In view of the above, this writ petition is **allowed**.

14. The order dated 29.09.2026, is **set-aside**. The respondents are directed to consider the relevant facts and circumstances i.e. number of vacancies, number of candidates available having requisite qualification and other attending circumstances without being prejudiced by the fact that PET Examination-2025 has been upheld by this Court in other matters. Order has to be passed on objective assessment of the facts and circumstances of the present case, considering the requirement for appointment as well as number of applicants who might possibly be applying for the post of veterinary pharmacists, within three weeks.

15. At the time of decision afresh, the State shall also consider the number of applications in pursuance to the present advertisement.

November 3, 2026
Ved Prakash

(Manish Kumar Nigam,J.)

Digitally signed by :-
VED PRAKASH SHARMA
High Court of Judicature at Allahabad