



**HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW**

**SPECIAL APPEAL No. - 233 of 2026**

Bhavna Yadav And 6 Others

.....Appellant(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Appointment  
And Personnel Lko. And 2 Others

.....Respondent(s)

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Counsel for Appellant(s) : Navneet Yadav, Aahuti Agarwal,  
Abhishek Khare, Mohd. Yasir

Counsel for Respondent(s) : C.S.C., Raj Kumar Upadhyaya  
(R.K.Upadhyaya)

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**Court No. - 1**

**HON'BLE RAJAN ROY, J.  
HON'BLE MANJIVE SHUKLA, J.**

1. Heard.

2. Counsel for the Uttar Pradesh Public Service Commission accepts that in this case marks obtained in the preliminary examination are counted in the final result, therefore, Section 3(6) of the Reservation Act, 2004 will come into the picture and in this context the recent decision of Hon'ble the Supreme Court dated 19.12.2025 passed in *Civil Appeal No.14112 of 2024; Rajasthan High Court and Others vs. Rajat Yadav and Others* will squarely apply. There is a Division Bench judgment of this Court also dated 19.05.2015 rendered in *Special Appeal No.310 of 2015; U.P. Power Corporation Limited and Others vs. Nitin Kumar and Others* which would also apply in this case, as such, the interim order dated 13.05.2026 granted earlier shall continue till the next date of listing.

3. In view of the aforesaid discussion, it is made open to the Commission to reconsider deletion of Condition No.10 of the advertisement in question and if it is deleted then the recruitment in question can go on subject to further orders/final order in the appeal and the impugned circular will not be used against the candidates in this recruitment.

4. List/put up this case on 29.05.2026, as fresh.

5. Let a copy of this order be provided to the parties today, if possible.

**(Manjive Shukla,J.) (Rajan Roy,J.)**

**May 26, 2026**

-Piyush-