



2026:AHC-LKO:40875-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL No. - 270 of 2026

Pankaj Kumar Pal

.....Appellant(s)

Versus

State Of U.P. Thru. Prin. Secy. (Personnel) Lko.
And 3 Others

.....Respondent(s)

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)

Court No. - 2

**HON'BLE RAJNISH KUMAR, J.
HON'BLE RAJEEV BHARTI, J.**

1. Memo of appearance filed on behalf of the respondent No.4 by Sri Ravi Shanker Tiwari, Advocate is taken on record.
2. Heard Sri Navneet Yadav, learned counsel for the appellant, learned Standing Counsel and Sri Ravi Shanker Tiwari, learned counsel for the respondent No.4.
3. This appeal has been filed assailing the order dated 09.06.2026 passed by learned Single Judge in Writ-A No.6077 of 2026 (Pankaj Kumar Pal Vs. State of Uttar Pradesh and Others).
4. Learned counsel for the appellant submits that though the petition has been entertained by the learned Single Judge and the petitioner's candidature has been made subject to outcome of the writ petition, whereas the mains examination is scheduled on 13.06.2026 and if the petitioner is not permitted to appear in the examination, may be provisionally, even if his candidature is found fit at the time of disposal of writ petition, the petitioner may not get any benefit out of it. Thus, he prays for setting aside the impugned order or to modify at least to the extent that he may be permitted to appear provisionally in the examination and one post may be reserved under the Other Backward Class (OBC) category subject to outcome of the writ petition.
5. He further submits that the petitioner had applied for the post of Assistant Teacher (Male/Female Branch)-Biology under the Other Backward Class Category and he had not claimed sports quota in the preliminary examination but the same was taken up automatically by the system under the 'candidates other details' from his 'One Time

Registration' (O.T.R.) as per procedure for filling the form prescribed in the Advertisement No.A-5/E-1/2025 dated 28.07.2025 for the post of Assistant Teacher (Male/Female Branch)-Biology, in pursuance whereof the form was filed and the petitioner appeared in the preliminary examination and has been declared successful for the mains examination.

6. He further submits that in the form of mains examination, the category is of National/International skilled players and option against the same has been taken by the system automatically 'yes', whereas the O.T.R. of the petitioner indicates that he was not in the said category, therefore, question of filling up by the petitioner does not arise. Even otherwise the submission is that the petitioner has not claimed under the sports category and he has applied under the OBC category. It has also been submitted that the claim under the sports quota category could not have been made as the petitioner is a district level player and as per advertisement, only National/International skilled players were eligible for the said category. Thus, the submission is that considering the same though learned Single Judge has entertained the writ petition and invited the counter affidavit but has not permitted the appellant to appear in the examination, even provisionally and once the examination will be held even if the petitioner's candidature will be found fit by this Court, he will not get any benefit out of it and in that case the petitioner will be a loser. Thus, the submission is that the impugned order may be set aside or at least modified as above.

7. Learned counsel for the respondent No.4 vehemently opposes the submissions of learned counsel for the appellant. He submits that if the category was wrongly filled by the petitioner, he had opportunity to correct the same as per advertisement but he has failed to do the same in the prescribed period, therefore, he cannot claim that he is not claiming the said category of skilled player and he has rightly been treated in the said category. Even otherwise the submission is that the learned Single Judge has already protected the interest of the petitioner. Thus, he submits that the appeal is liable to be dismissed.

8. Having considered the submissions of learned counsel for the parties and on perusal of record, we find that the learned Single Judge has found an arguable case, therefore, counter affidavit has been called and the date has been fixed. So far as the category claimed by the petitioner appears to be Other Backward Class (OBC) in the preliminary examination form. This Court also fails to comprehend that a candidate, who is not a National/International skilled player, would apply under the category of skilled player being a district level player as he is not going to get anything out of it. However, we find that if the petitioner is found to be fit at the time of disposal of writ petition, he may not get anything because the examination is scheduled on 13.06.2026 and if it is held, it may be difficult to direct for examination of a single candidate and once all the posts are filled, even if candidature of petitioner is found fit, he may not

get anything. Thus, this Court is of the view that the impugned order is liable to be modified.

9. We, accordingly, **partly allow** the Special Appeal and modify the impugned order dated 09.06.2026 to the extent that the petitioner is permitted to appear provisionally in the mains examination on the post of Assistant Teacher (Male/Female Branch)-Biology scheduled on 13.06.2026 or on any subsequent date, if postponed. However, his result shall not be declared without leave of the Court. It is further provided that one post of the Other Backward Class (OBC) category under the aforesaid advertisement shall be kept reserved during pendency of writ petition.

10. It is expected that the parties shall exchange affidavits before the date fixed in Writ-A No.6077 of 2026 (Pankaj Kumar Pal Vs. State of Uttar Pradesh and Others) and they shall argue the case finally on the date fixed.

11. Copy of this order shall be provided to learned counsel for the parties today itself on payment of usual charges as per Rule.

(Rajeev Bharti,J.) (Rajnish Kumar,J.)

June 11, 2026

Saurabh