HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 13035 of 2026

Srinivasan Gandhi

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Akhtar Ali
Counsel for Respondent(s)	:	C.S.C.

Court No. - 38

HON'BLE SIDDHARTH NANDAN, J.

1. In compliance of the order dated 13.10.2026 the personal affidavit of Director General, Medical Education and Training, U.P. Luckonw i.e. respondent no.3 is filed today, which is taken on record.

2. Shri Saurabh, learned Standing Counsel has placed before this Court the chart indicating the number of position of Head of Departments, who are working on contractual basis, as well as, those who are Assistant Professor/Associate Professor. In response to a pointed query by this Court, as to the sanctioned posts of Professors in the State Medical Colleges in State of U.P., Shri Saurabh, learned Standing Counsel has submitted that there are total 517 sanctioned posts of Professors; out of which 25% is to be filed up by direct recruitment and the remaining 75% is to be filled up by way of promotions.

3. Total number of sanctioned post of Professors to be filled up by way of direct recruitment is 108 posts, out of which only 26 incumbents are working and the remaining more than 75% of the sanctioned posts are lying vacant. Shri Saurabh, learned Standing Counsel has further submitted that the requisitions for 35 posts has been sent to the State Government and where after the State Government has also forwarded the same to the U.P. Public Service Commission for advertising the said posts; but till date no advertisement has been issued with respect to the said 35 post. However, 44 posts of Professors have been advertised on 18.08.2026 and the selection process is under way. Along with the affidavit a Government Order dated 14.06.2024 has also been placed on

record by way of which the Principals of the State Medical Colleges have been authorized to appoint incumbents by way of walk-in-interview. It has been submitted that the said Government Order has been issued to meet out the contingencies, for the functioning of the State Medical College, in the circumstances the vacancies are not being filled up.

4. It is this issue which has attracted the attention of the Court and since the petitioner in the present case was sought to be replaced by another adhoc employee, which is against the settled principle of law; this Court has taken this exercise of determining the reasons for not filling up the regular vacancies and thereby creating these artificial exigencies, which in turn leads to appointment on contractual basis and the important positions like the Head of Department, being run by Assistant Professor/Associate Professors, in spite of the post of Professors being sanctioned against the respective departments of the State Medical Colleges.

5. The perusal of the chart which has been appended as Annexure-4 to the affidavit dated 02.11.2026 also indicates that in majority of the departments in different State Medical Colleges either the same is manged by a contractual employee or an Assistant Professor/Associate Professors. This is also one of the reasons for the failing standards of the State Medical Colleges in the State of Uttar Pradesh and accordingly this Court cannot shut its eyes to the core issue of vacancies not being filled up as per the statutory requirements.

6. A notification dated 30.01.2026 has also been brought on record which has been issued for constitution of "Uttar Pradesh Specialist Doctors and Medical Teacher Recruitment Board"; but however, it has been informed that in spite of of more than 10 months having lapsed since the notification, the Board has not been constituted and the onerous duty for making the appointment is still with the U.P. Public Service Commission.

7. The Court of cognizant of the fact that in spite of the requisitions being forwarded by the State Government to the Commission, till date 35 vacancies have not been advertised and only after filing of the present writ petition that the advertisement was issued for 44 posts of Professors. In view of the aforesaid, the response of the U.P. Public Service

Commission shall also be required.

8. At this stage, learned counsel for the petitioner seeks permission of the Court to implead U.P. Public Service Commission as a necessary party; and accordingly, he is permitted to do so during course of the day. He shall also serve a copy of the entire record on the panel counsel Sri Avneesh Tripathi, Advocate, of the U.P. Public Service Commission.

9. In view of the aforesaid, let this case be listed on 25.11.2026, on which date the learned Standing Counsel shall file an affidavit of a responsible officer, to show cause as to why, the Board as contemplated under the Government Order dated 30.01.2026 has not been constituted till date; and also on behalf of the newly impleaded respondent i.e. the U.P. Public Service Commission, the personal affidavit of Secretary of the U.P. Public Service Commission, shall be filed, indicating therein the status of the proceedings and the timeline within which the 44 posts of Professors which have been advertised on 18.08.2026, shall be completed; and also as to why the 23 posts for which the State has already forwarded the requisition, has not been advertised till date, wherein there is no legal impediment. The affidavit of the Commission, shall also disclose the guidelines based on which panel of experts are appointed, to demonstrate transparency in the appointments.

10. It is made clear that in case the requisite affidavits are not filed by the next date fixed, the Court shall be compelled to pass suitable orders against the concerned officials.

11. List this case on 25.11.2026, at 02:00 PM.

(Siddharth Nandan,J.)

November 3, 2026
S.Prakash

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