

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No. 4399/2023

ASHUTOSH KUMAR UPADHYAY & ORS.

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(IA No. 82897/2022 - APPLICATION FOR PERMISSION, IA No. 40763/2022 - APPLICATION FOR PERMISSION, IA No. 215635/2026 - APPLICATION FOR VACATION OF INTERIM ORDER, IA No. 107564/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 107418/2021 - EXEMPTION FROM FILING O.T. IA No. 271768/2025 - EXEMPTION FROM FILING O.T., IA No. 107567/2022 - EXEMPTION FROM FILING O.T., IA No. 233246/2023 - INTERVENTION/IMPLEADMENT, IA No. 109190/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 25729/2025 - PERMISSION TO FILE APPLICATION FOR DIRECTION AND IA No. 107417/2021 - PERMISSION TO FILE LENGTHY LIST OF DATES)

WITH

C.A. No. 4400/2023 (III-A)

(IA No. 84267/2022 - APPLICATION FOR PERMISSION, IA No. 84265/2022 - APPLICATION FOR PERMISSION, IA No. 107343/2021 - EXEMPTION FROM FILING O.T., IA No. 109217/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES AND IA No. 107341/2021 - PERMISSION TO FILE LENGTHY LIST OF DATES and IA No. 293099/2026-)

C.A. No. 4401/2023 (III-A)

(IA No. 119307/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 119305/2021 - EXEMPTION FROM FILING O.T.)

Date : 14-10-2026 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MRS. JUSTICE SUNITA AGARWAL

For Appellant(s) : Mr. Sanjay Kumar Dubey- 2228, AOR

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Mr. Vivek Kumar Pandey, Adv.

Mr. Devendra Kumar Shukla, Adv.

Ms. Shivani Mishra, Adv.

Mr. Ujjwal Kumar Dubey, Adv.

Mr. Aayush Keshernwani, Adv.

Mr. Pramod Kumar Mishra, Adv.

Mr. Sanskar Tiwari, Adv.

Ms. Sandal Praveen, Adv.

Mr. Mukesh Kumar Singh, Adv.
Mr. Vipin Sandhu, Adv.
Mr. Narendra Kumar Goyal, Adv.
Mr. Jeetendra Kumar, Adv.
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Ms. Kajal Rani, Adv.
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Mr. Veera Raghavan, Sr. Adv.
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For Respondent(s) :Mr. Pawan Kumar Dhiman, Adv.
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Mr. Rahul Marahatta, Adv.
Mr. Narendra Kumar Goyal, Adv.
Mr. Saroj Kumar Sinha, Adv.
Mr. Sabyasachi Dubey, Adv.
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Mr. Harsh Pratap Singh, Adv.
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Mr. Anupam Misra, Adv.
Ms. Disha Jham, Adv.
Ms. Jayanti Mishra, Adv.
Mr. Abhilash Kumar Singh, Adv.
Ms. Shreyasi Aggarwal, Adv.
Mr. Abhitosh Kr. Singh, Adv.

Mr. Manoj K. Mishra, AOR
Mr. Umesh Dubey, Adv.
Ms. Madhulika, Adv.
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Mr. Shyamsuman Singh, Adv.
Ms. Dipika Kalia, Adv.
Ms. Babita Rawat, Adv.
Mr. Aditya Push Kal Khanna, Adv.
Mr. Abhay Singh, Adv.
Mr. Sudip Khanna, Adv.
Ms. Khushi, Adv.
Ms. Arushi Jindal, Adv.
Mr. Sunil Kumar Mishra, Adv.
M/S. Karanjawala & Co.- 1707, AOR

UPON hearing the counsel the Court made the following
O R D E R

C.A. No. 4400/2023

1. IA No. 293099/2026 for modification of interim order dated 03.09.2021 has been filed. The following, *inter alia*, prayers are made therein:

“(A) Allow the present Application and, in terms of

parity with the order dated 19.08.2026 passed by this Hon'ble Court in connected Civil Appeal Nos. 4399 of 2023 and 4401 of 2023, vacate the ad-interim order dated 03.09.2021 passed in SLP (C) No. 13310/2021, whereby the parties were directed to maintain status quo;

(B) Direct the Respondent-State to forthwith convene the appropriate Departmental Promotion Committee/Selection Committee for considering all eligible Passenger/Goods Tax Officers belonging to the 2011 Batch (Petitioners/Applicants) as well as the 2013 Batch (Private Respondents) for promotion to the existing unfilled vacant posts of Assistant Regional Transport Officer (ARTO) against the existing promotional vacancies in accordance with the applicable statutory Rules;"

2. For the reasons assigned in the application, IA No. 293099/2026 qua prayers A & B stands allowed.

3. Interim order dated 03.09.2021 stands vacated.

For continuation, list the appeals tomorrow i.e.15.10.2026 as first item.

(RAJNI MUKHI)
ASTT. REGISTRAR-cum-PS

(MAYA KUMARI)
COURT MASTER(NSH)