

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

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

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 : 19-08-2026 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KAROL

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Appellant(s) : Mr. Sanjay Kumar Dubey, AOR
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Ms. Shivani Mishra, Adv.
Mr. Aayush Kesharwani, Adv.
Mr. Pramod Kumar Mishra, Adv.

Mr. Mukesh Kumar Singh, Adv.
Mr. Vipin Sandhu, Adv.
Mr. Narendra Kumar Goyal, Adv.
Mr. Jeetendra Kumar, Adv.
Ms. Komal Singh, Adv.
Ms. Kajal Rani, Adv.
Mr. Kadam Hans, Adv.
Mr. C.M. Dwivedi, Adv.
Mr. Nawal Kishorejha, Adv.
M/S. Mukesh Kumar Singh And Co., AOR

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Ms. Rohini Musa, Adv.
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Mr. Manvendra Kumar Tripathi, Adv.
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Mr. Indra Bhushan Prasad, Adv.
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For Respondent(s) :Mr. Amit, AOR

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Mr. Daleep Dhyani, Adv.
Ms. Disha Jham, Adv.
Mr. Suraj Singh, Adv.
Mr. Abhilash Kumar Singh, Adv.

Mr. Manoj K. Mishra, AOR
Mr. Umesh Dubey, Adv.
Mr. Amrendra Kumar Singh, Adv.

Mr. Radeesh Kumar Mt, Adv.
Mr. Amulya Dev Mishra, Adv.
Ms. Shriji Mishra, Adv.

Mr. Gaurav Dhingra, AOR
Mr. Shashank Singh, AOR

Mr. Vikas Singh, Sr.Adv.
Mr. Rakesh Khanna, Adv.
Mr. Shyamsuman Singh, Adv.
Ms. Babita Rawat, Adv.
Mr. Aditya Push Kal Khanna, Adv.
Mr. Abhay Singh, Adv.
Ms. Arushi Jindal, Adv.
Mr. Sunil Kumar Mishra, Adv.
Ms. Khushi, Adv.
M/S. Karanjawala & Co., AOR

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

Civil Appeal No.4399/2023

1. IA No. 215635/2026 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 vacate the ad-interim order dated 03.09.2021 passed in SLP (C) No. 13322/2021, 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, I.A. No.215635/2026 qua prayers A & B stands allowed.
3. Interim order dated 03.09.2021 stands vacated.

C.A. No. 4401/2023

1. IA No. 230885/2026 for direction has been filed. The following, *inter alia*, prayer is made therein:

“(a) Vacate the status quo order granted by this Hon’ble Court vide its order dated 03.09.2021”

2. For the reasons assigned in the application, IA No.230885/2026 qua prayer (a) stands allowed.
3. Interim order dated 03.09.2021 stands vacated.

Main appeals be listed for hearing on 07.10.2026.

(RAJNI MUKHI)
ASTT. REGISTRAR-cum-PS

(ANU BHALLA)
COURT MASTER (NSH)