2025:AHC-LKO:59033

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

WRIT - A No. - 1755 of 2023

Arvind Kumar Tiwari

.....Petitioner(s)

Versus

The State Of U.P. Thru. Addl. Chief Secy. Khadi And Village Industries Deptt. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Mahendra Kumar Dwivedi, Abhishek Kumar Dwivedi, Abid Alvi, Prem Shankar, Varsha Singh
Counsel for Respondent(s)	:	C.S.C., Ayush Tandon, Gaurav Mehrotra, Pankaj Patel, Ran Vijay Singh

Court No. - 4

HON'BLE ABDUL MOIN, J.

1. Supplementary counter affidavit filed today by Sri Ayush Tandon, learned counsel appearing for the respondent No.3 is taken on record.

2. Although the matter had been heard at length on 03.09.2025, however, today a preliminary objection has been taken by the learned counsel appearing for the respondents that there are gross laches in filing the instant petition for setting aside the selection of respondents No.4, 5 and 6, which has been made in the year 2016 in pursuance of the advertisement dated 10.06.2016, a copy of which is annexure-2 to the petition.

3. Responding, the learned counsel for the petitioner states that as the information under the Right to Information Act has only been made available to him in the year 2019, but since only partial information was given, an appeal was thereafter filed before the appellate authority, which was only decided on 02.01.2023, a copy of which is annexure-1 to the petition, as such, the instant petition has only been filed thereafter and thus, there are no laches.

4. A perusal of the application that has been filed by the petitioner under the Right to Information Act indicates that the application itself

is dated 22.10.2020, a copy of which is annexure-9 to the petition.

5. Thus, the statement of the learned counsel for the petitioner that the information had been applied for in the year 2019 gets belied from the very application filed by the petitioner in October, 2020, which incidentally also does not indicate anywhere that the information had been applied for in the year 2019.

6. Even otherwise, by the time the information was applied for in October 2020, a period of almost four years had lapsed since the issuance of the advertisement and the selection of the private respondents.

7. No reasons thus emerge as to why it took the petitioner four years to file an application under the Right to Information Act and three years thereafter to file the instant petition, which has been filed in February 2023.

8. Considering this that the private respondents have already been appointed and even if vacancies are available with the respondents, no mandamus can be issued to the respondents to fill in the said vacancies.

9. Keeping in view the aforesaid discussion, the writ petition is **dismissed** on the ground of laches.

September 23, 2025
cks/-

(Abdul Moin,J.)

Digitally signed by :-
CHANDRA KANT SINGH
High Court of Judicature at Allahabad,
Lucknow Bench