



2026:AHC:195486

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 15076 of 2026

Satya Prakash

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Rohit Pandey, Shambhavi Tiwari
Counsel for Respondent(s)	:	Avneesh Tripathi, C.S.C., Mahendra Narain Singh

Court No. - 32

HON'BLE DINESH PATHAK, J.

1. Heard Ms. Shambhavi Tiwari, learned counsel appearing for the petitioner; Sri Avneesh Tripathi, learned counsel appearing on behalf of respondent no.3; and Sri Sanjeev Singh (learned Senior Counsel), Additional Advocate General assisted by Sri Saurabh, learned Standing Counsel & Sri R.P. Dubey, Additional Chief Standing Counsel; Shri Sanjay Kumar Om, learned counsel appearing on behalf of respondent no.2 and perused the record on Board.

2. The petitioner has raised a grievance regarding the rejection of his candidature for the post of Registrar (Higher Education) pursuant to the Advertisement No.D-2/E-1/2024 dated 17.10.2024. While entertaining the instant writ petition, this Court passed the following order dated 16.09.2026 :

"1. Heard learned counsel appearing on behalf of the petitioner; learned Standing Counsel appearing on behalf of State-respondent no.1 and Shri Avneesh Tripathi, learned counsel appearing on behalf of respondent no.3.

2. The petitioner is aggrieved by the notification dated 11.09.2026, whereby his candidature for the post of Registrar (Higher Education), pursuant to the Advertisement No.D-2/E/1/24 dated 17.10.2024, has been rejected on the ground that he does not possess the requisite experience, prescribed under the eligibility criteria.

3. Learned counsel for the petitioner emphatically submits that the petitioner possess the experience of more than 18 years, as averred in paragraph 12 of the writ petition. It is; therefore, submitted that negating

the candidature of the petitioner is unsustainable in the eyes of law.

4. Per contra, learned Standing Counsel representing the State-respondent has contended that as per Clause A(2) of the academic qualification, mentioned in the Advertisement, a candidate is required to possessed minimum of 15 years' experience at the administrative and supervisory level in any university, government office, or institution of higher education, or 15 years' experience as a teacher in any college or university. He further contends that the experience acquired by the present petitioner in Punjab National Bank does not fall within the aforesaid eligibility criteria; therefore, his candidature has been rejected.

5. Having regard to the urgency of the matter particularly as the interview is scheduled to be held on 17.09.2026 and 18.09.2026, and in view of the joint request made by the learned counsel for the parties, put up this matter tomorrow i.e. 17.09.2026 at 10:00 a.m. for further hearing and to enable learned counsel for the parties to assist the Court as to whether experience acquired by the petitioner in the Punjab National Bank falls within the experience contemplated under clause A(2) of the academic qualifications, namely, experience in a university, government office or institution of higher education."

3. Pursuant to the aforesaid order dated 16.09.2026, learned counsel for the petitioner submits that the Punjab National Bank falls within the ambit of the expression "State" as defined under Article 12 of the Constitution of India and, therefore, ought to be treated as a government office. In support of the her submission, learned counsel for the petitioner has placed reliance upon paragraph 11 of the judgment dated 26.07.1977 passed by a Division Bench of the Hon'ble Punjab and Haryana High Court in the case of Lachhman Dass Aggarwal Vs. Punjab National Bank and Ors., (1978) 48 Comp Cas 327 (P& H). It is further submitted that the expression "government office" has not been defined in the Advertisement; therefore, at a subsequent stage, it would not be legally justifiable to reject the claim of the petitioner on the ground that the establishment wherein he has acquired experience does not qualify as a government office. In support of this submission, learned counsel for the petitioner has placed reliance upon paragraph (K) of the judgment dated 17.09.2021 passed by a Coordinate Bench of this Court in a batch of writ petitions, the leading case being Writ - A No. 656 of 2020, Vikas and 80 Others Vs. State of U.P. and 2 Others, 2021 (9) ADJ 59. Thirdly, it is submitted that all the employees of nationalised banks fall within the definition of "public servant" under Section 21 of the Indian Penal

Code. In support of her submission, learned counsel for the petitioner has placed reliance upon the judgment dated 24.02.1995 passed by the Hon'ble Supreme Court in the case of Union of India and Others Vs. Ashok Kumar Mitra, AIR 1995 SC 1976. It is, therefore, submitted that Punjab National Bank is a government office and the experience acquired by the petitioner therein falls within the experience contemplated under Clause A(2) under the head Academic Qualifications in the advertisement, namely, experience in a university, government office or institution of higher education.

4. Per contra, learned counsel appearing for the respondents contends that the issue relating to the status of a nationalised bank as a "government office" has already been considered by a Coordinate Bench of this Court in a batch of writ petitions, the leading case being Writ-A No. 1732 of 2026, Geeta Chandra Vs. State of U.P. and another, decided by order dated 24.03.2026, reported under Neutral Citation 2026:AHC:60084. Aggrieved thereby, candidates (petitioners in the aforesaid writ petitions) preferred a batch of special appeals, the leading case being Special Appeal No. 410 of 2026, Ajay Kumar Vs. State of U.P. and others, which is stated to be pending consideration and no interim order has been granted in favour of the appellants. He further contends that the finding recorded by the Hon'ble Coordinate Bench of this Court vide order dated 24.03.2026, negating the status of a nationalised bank (Bank of Baroda) as a "Government Office" became final between the parties and same can not be reopened at this juncture unless it is finally examined in the special appeal. Learned counsel appearing for the respondents has further contended that the employees of the Punjab National Bank do not fall within the ambit of Article 311 of the Constitution of India and, therefore, cannot be treated as government servants serving in a government office. In support of his submission, learned counsel has placed reliance upon the Constitution Bench judgement of the Hon'ble Supreme Court in the case of S.L. Agarwal Vs. The General Manager, Hindustan Steel Ltd., AIR 1970 SC 1150.

5. Having considered the rival submissions advanced by learned counsel for the parties and upon perusal of the record, this court finds that the controversy involved in the instant petition lies in a narrow compass, as to whether the experience acquired by the petitioner in Punjab National Bank falls within the expression "government office" employed in Clause A(2) under the head "Academic Qualification" in the advertisement dated 17.10.2024. The aforesaid clause prescribes a minimum of 15 years'

experience at the administrative and supervisory level in any university, government office or institution of higher education, or 15 years' experience as a teacher in any college or university. Admittedly, the petitioner is claiming his entitlement to participate in the interviews scheduled to be held on 17.09.2026 and 18.09.2026 on the basis of the experience acquired by him in the Punjab National Bank. The question, therefore, is whether such experience satisfies the eligibility requirement prescribed in the advertisement. The petitioner seeks to contend that Punjab National Bank falls within the expression "government office" on the strength of its status under Article 12 of the Constitution of India and the judgments relied upon by the learned counsel for the petitioner. However, the mere inclusion of an entity within the expression "State" under Article 12 of the Constitution of India does not, by itself, establish that such entity constitutes a "government office" for the purpose of the specific eligibility condition prescribed in the advertisement. The expressions "State" under Article 12 of the Constitution of India and public servant under Section 21 of Indian Penal Code operate within their respective statutory and constitutional contexts. Their applicability cannot, without further examination, be equated with the expression "government office" employed in the advertisement dated 17.10.2024. However, nothing has been brought to the notice of this Court to establish that the Punjab National Bank is a government office and that the employees of the Punjab National Bank are governed under Article 311 of the Constitution of India.

6. It is also evident from the record that the issue relating to the experience acquired in a nationalised bank has been considered by a Coordinate Bench of this court in batch of writ petitions, the leading case being Writ-A No. 1732 of 2026, Geeta Chandra Vs. State of U.P. and another, decided by order dated 24.03.2026. Hon'ble Co-ordinate Bench had negated the claim of those petitioners (petitioners in Writ No.3473 of 2026 in aforementioned batch of writ petitions) who were claiming the benefit of their experience acquired from Bank of Baroda and Uttar Pradesh Gramin Bank, in the light of the judgment passed in Writ-A No. 1732 of 2026. The order dated 24.03.2026 passed by the Coordinate Bench of this Court is stated to be under challenge in special appeals which are still pending consideration. However, the pendency of the special appeals, in the absence of any interim order brought to the notice of this court, does not by itself warrant reopening the issue in the present proceedings. The case laws cited

by learned counsel for the petitioner to strengthen her submission that Punjab National Bank constitutes a "government office" does not persuade this Court, inasmuch as all those judgments are distinguishable on the facts and circumstances of the present case. However, this court finds that the said judgements do not establish, in the context of the specific eligibility condition prescribed in the advertisement, that the experience acquired in Punjab National Bank necessarily falls within the expression "government office." Thus, this court is not persuaded to accept the petitioner's contention that the experience acquired in Punjab National Bank satisfies the requirement under clause A(2) of the academic qualifications prescribed in the advertisement.

7. In this conspectus, as above, this Court does not find any justifiable ground to entertain the instant writ petition and to interfere with the notification dated 11.09.2026, whereby the candidature of the petitioner for the post of Registrar (Higher Education), pursuant to the advertisement dated 17.10.2024, has been rejected.

8. Resultantly, the instant writ petition, being misconceived and devoid of merit, is **dismissed** with no order as to costs.

September 17, 2026
vkg

(Dinesh Pathak,J.)