



प्रेषक,

उदय प्रताप सिंह,
प्रमुख सचिव, न्याय एवं विधि परामर्शी,
उत्तर प्रदेश शासन।

सेवा में,

समस्त अपर मुख्य सचिव/
प्रमुख सचिव/सचिव,
उत्तर प्रदेश शासन।

अनुश्रवण प्रकोष्ठ, न्याय विभाग

लखनऊ : दिनांक 10 फरवरी, 2026

विषय:- रिट-ए- संख्या-5378/2022 मनीष कुमार बनाम उ0प्र0 राज्य व अन्य में पारित आदेश दिनांक 04.02.2026 का अनुपालन कराये जाने के सम्बन्ध में।

महोदय,

कृपया अवगत कराना है कि रिट-ए- संख्या-5378/2022 मनीष कुमार बनाम उ0प्र0 राज्य व अन्य में मा0 उच्च न्यायालय, इलाहाबाद, लखनऊ खण्डपीठ लखनऊ द्वारा दिनांक 04-02-2026 को पारित आदेश के मुख्य कार्यकारी अंश निम्नवत् हैं :-

"From perusal of the order sheet, it transpires that on 26.08.2022, the following order was passed:-

"Connect and list alongwith Writ Petition No. 25649 (SS) of 2021.

Opposite parties may file counter affidavit in the meantime.

From perusal of the same it transpires that the respondents were directed to file counter affidavit, but no counter has been filed as yet.

I have noticed that several dates were fixed i.e. 03.03.2023, 22.03.2023, 26.04.2023, 26.04.2023, 14.09.2023, 18.11.2023, 24.01.2024, 06.03.2024, 19.09.2024, 23.09.2024, 27.05.2025, 12.09.2025 and subsequently on 10.10.2025, the following order was passed:-

"As prayed by Mr. P.K. Singh, learned counsel for the State, two weeks and no more time is granted for filing counter affidavit.

List/put up this matter in the week commencing 03.11.2025 in-terms of earlier order."

This Court while accommodating the State Counsel, given further two weeks and no more time for filing counter affidavit. After 10.10.2025 as many as five dates have been fixed, but no counter affidavit has been filed, till date.

Learned counsel for the State has placed the letters dated 18.12.2025, 24.01.2026, 14.10.2025 and 14.11.2025, wherein, the order for filing counter affidavit has been communicated.

It is a startling fact that even after the order passed by this Court for filing counter affidavit, three years back and after affording further opportunity of filing the same by fixing more than 15 dates, no counter affidavit has been filed by the respondent-authorities.

It is also apparent that in the month of October 2025, considering the several occasions provided for filing the counter affidavit, which was of no avail, this Court passed the order

1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।

2- इस शासनादेश की प्रमाणिकता वेब साइट <http://shasanadesh.up.gov.in> से सत्यापित की जा सकती है।

while granting further two weeks and no more time, but even then, the counter affidavit has not been filed.

This is very painful situation for any litigant who approaches this Court with the hope that his or her grievance will be considered and decided promptly, but such sluggishness on the part of the authorities, does not only hamper the litigant's hope but also creates acute hindrance, in the functioning of the Courts; therefore, such practice cannot be appreciated.

List/put this matter on February 12, 2026 within the top 10 cases.

As a last opportunity, it is provided that if the counter affidavit is not filed by the date fixed, the Additional Chief Secretary, Panchayati Raj, Government of UP, Lucknow, shall join the proceedings of this Court, through video conferencing.

In addition, it is also provided that the Additional Chief Secretary himself shall look into the matter and shall inquire that who is the erring officer/official for not filing the counter affidavit, as directed vide order dated 26.08.2022 and a report shall also be placed before this Court on the said date.

This order shall also be communicated to the Principal Secretary, Law, to inform all the departments of the State Government to conduct a review/scrutiny of such cases, where, the orders for filing of counter affidavits, have not been complied with.

The Chief Standing Counsel concerned is also directed to evolve a mechanism so as to find out the cases, which are listed before the Court and the counter affidavits/affidavits are not filed, even after the directions of this Court.”

कृपया मा0 उच्च न्यायालय, इलाहाबाद, लखनऊ खण्डपीठ लखनऊ द्वारा पारित उक्त आदेश का अनुपालन किये जाने के संबंध में आवश्यक कार्यवाही सुनिश्चित कराते हुए कृत कार्यवाही की आख्या न्याय विभाग को उपलब्ध कराने का कष्ट करें ताकि ससमय मा0 उच्च न्यायालय को सूचित किया जा सके।

भवदीय,

(उदय प्रताप सिंह)

प्रमुख सचिव, न्याय एवं विधि परामर्शी।

संख्या- 2/2026/3(1)/सात-न्याय अनु0प्रको0/2026, तददिनांक।

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- 1- महानिबन्धक, मा0 उच्च न्यायालय, इलाहाबाद।
- 2- श्री शैलेन्द्र कुमार सिंह, मुख्य स्थायी अधिवक्ता, मा0 उच्च न्यायालय, इलाहाबाद, लखनऊ खण्डपीठ लखनऊ को उनके पत्र संख्या- 2146/सिविल/2026, दिनांक 06.02.2026 के क्रम में सूचनार्थ प्रेषित।
- 3- निजी सचिव, प्रमुख सचिव, न्याय विभाग, उ0प्र0 शासन।
- 4- गार्ड फाइल।

आज्ञा से,

(लोकेश नागर)

विशेष सचिव, न्याय एवं अपर विधि परामर्शी।

1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।

2- इस शासनादेश की प्रमाणिकता वेब साइट <http://shasanadesh.up.gov.in> से सत्यापित की जा सकती है।