



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 863 of 2026

Tikshan Kumar Tiwari And 3 Others

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy./Prin. Secy.
Deptt. Of Medical And Health Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Mayankar Singh
Counsel for Respondent(s)	: C.S.C., Gyanendra Kumar Srivastava, Prashast Puri, Utsav Mishra

Court No. - 2

**HON'BLE MRS. SANGEETA CHANDRA, J.
HON'BLE AMITABH KUMAR RAI, J.**

1. We have heard learned counsel for the petitioners, learned Standing Counsel for the State Respondents, Sri Gyanendra Kumar Srivastava, learned counsel appearing on behalf of the opposite party no.3 and Sri Prashant Puri, Advocate, who has filed his vakalatnama on behalf of the respondent no.4, which is taken on record.

2. This writ petition has been filed with the following main prayers:-

"(I) A writ, order or direction in the nature of certiorari declaring Rule 8 of the Uttar Pradesh X-Ray Technician Service Rules, 1986 as ultra vires to the Consitution of India, being arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India.

(II) A writ, order or direction in the nature of certiorari quashing the order dated 19.07.2011 passed by the Three-Member Expert Committee constituted by the State Government, whereby equivalence of the degree of Bachelor of Medical Radiology Diagnosis and Imaging Technology (BMRD/IT) with the Diploma in X-Ray Technician was denied, after summoning the same in original from the respondent authorities.

(III) Issue a writ, order or direction in the nature of certiorari quashing the order dated 24.02.2014 passed by the Five-Member Expert Committee constituted pursuant to the directions of this Hon'ble Court, whereby equivalence of the degree of BMRD/IT with the Diploma in X-Ray Technician was again denied; (contained in Annexure No. 6)

(IV) A writ, order or direction in the nature of mandamus commanding the respondent authorities to treat and declare the degree of Bachelor of Medical Radiology Diagnosis and Imaging Technology (BMRD/IT) as equivalent to the Diploma in X-Ray Technician for all purposes of recruitment and appointment under the Uttar Pradesh X-Ray Technician Service Rules, 1986;

(V) A writ, order or direction in the nature of mandamus commanding the respondent authorities to grant appropriate age relaxation to the petitioners, particularly petitioner nos. 2 and 4, in all present and future selections for the post of X-Ray Technician, after treating them as eligible candidates."

3. It is the case of the petitioners that they possess a degree of Bachelor of Medical Radiology Diagnosis and Imaging Technology (hereinafter referred to as BMRD & IT) which is not being recognized by the State of U.P. and there is an arbitrary refusal of amending the Uttar Pradesh X-Ray Technician Service Rules, 1986. Although the said degree is duly recognized and accepted in several States and by various medical institutions across the country. Candidates possessing the said degree are considered eligible in Super Specialty Institutions like Super Specialty Bal Chikitsalaya, Lucknow; Ram Manohar Lohia Institute of Medical Sciences, Lucknow; Sanjay Gandhi Post Graduate Institute of Medical Sciences, Lucknow; All India Institute of Medical Sciences, New Delhi; PGIMER, Chandigarh and Saifai Medical College, Etawah. Such Degree of BMRD & IT is also recognized in the States of Pubjab, Uttrakhand, Delhi, Bihar and among others. It has also been recognized by AIIMS, Bhubaneshwar and ESI Hospital, Delhi.

4. It has also been submitted that the X-Ray Technician Service Rules of State of Bihar were originally framed on the same lines as the Uttar Pradesh X-Ray Technician Service Rules, 1986. Subsequently, by way of amendment on 07.12.2020 the State of Bihar included the degree of Bachelor of Medical Radiology Diagnosis and Imaging Technology (BMRD & IT) as a qualification for appointment to the post of X-Ray Technician. Despite such nationwide recognition and the progressive stand taken by similarly situated institutions in various States, the State of U.P. has arbitrarily failed to amend Rule 8 of the Uttar Pradesh X-Ray Technician Service Rules, 1986 to as to include the degree of BMRD/IT which results in hostile discrimination against the petitioners.

5. Learned counsel for the petitioners have placed reliance on Article 14 of the Constitution of India and has submitted that all actions of the State can be challenged on the ground of arbitrariness including a delegated legislation like Rule 8 of the Uttar Pradesh X-Ray Technician Service Rules, 1986.

6. *Prima facie*, a case has been made out for consideration.

7. Issue notice to the learned Advocate General as the vires of the Rules have been challenged.

8. The respondents may file their counter affidavit within four weeks.

9. List this case on 27.02.2026, showing the name of Sri Prashant Puri, Advocate in the cause list as appearing for the respondent.

(Amitabh Kumar Rai,J.) (Mrs. Sangeeta Chandra,J.)

January 30, 2026

Darpan Sharma