



2026:AHC:12018

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 18253 of 2025

Prashant Kumar Malik

.....Petitioner(s)

Versus

Union Of India And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Vipul Raj Gautam
Counsel for Respondent(s)	:	Atma Prakash Tripathi, A.S.G.I.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Vipul Raj Gautam, learned counsel for the writ petitioner and Sri Atma Prakash Tripathi, learned counsel for the respondents.

2. The case of the writ petitioner is that he was appointed as Constable (G.D.) on 11.08.2004. He was promoted on the post of Head Constable in the year 2014. Learned counsel for the writ petitioner, however, submits that the wife of the younger of the writ petitioner had lodged an FIR under Sections 85, 115(2), 89, 82(1) B.N.S., 2023 and Section 3/4 of Dowry Prohibition Act being Case Crime No. 275 of 2025. The writ petitioner happens to be a close relative of the complainant in the said case. Merely because FIR has been lodged cannot be a ground to take away the rights of promotion, as the situation is not akin to the selection and appointment at the first instance.

3. Learned Standing Counsel on the other hand submits that the claim of the writ petitioner needs adjudication at the first instance by Respondent no.2.

4. Considering the submissions so made across the Bar, the writ petition stands **disposed of** directing the writ petitioner to prefer a comprehensive representation along with self attested copy of the writ petition and the certified copy of the order before Respondent no.2, who on the said motion shall proceed to consider the claim of the writ petitioner strictly in accordance with law within a period of three months, from the date of production of certified copy of the order. In case Respondent no.2 finds that the claim of the writ petitioner is to be decided by any other authority, the papers shall be sent to that authority after due intimation to the writ petitioner.

5. Instructions filed today are taken on record and marked as Appendix 'A'.

January 19, 2026
N.S.Rathour

(Vikas Budhwar,J.)