



2026:AHC:10523

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 18480 of 2025

Lav Kush Kumar (Homeguard)

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Lal Babu, Sweta Gaur
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Ms. Sweta Gaur, learned counsel for the petitioner and Sri B.K. Srivastava, learned Standing Counsel, who appears for State-respondents.

2. Instructions have been supplied by Sri Manish Kumar, learned Standing Counsel, submits that he is well equipped with the instructions and the instructions are self-sufficient for disposal of the writ petition and he does not propose to file any further affidavit and the petition be decided on the basis of the documents available on record, thus with the consent of the parties, writ petition is being decided at the fresh stage.

3. The case of the writ petitioner is that he was appointed as a home-guard under dying-in-harness Rules on 05.07.2022. However, two criminal cases being one case crime no. 323 of 2013 under Section 302 IPC and second being case crime no. 107 of 2014 under Section 2/3 of the Cow Slaughter Act came to be passed, a show cause notice was issued as to why the services of the writ petitioner has been dispensed with and his services stand terminated, now the order impugned has been passed by the District Commandant Home Guards, Prayagraj relying upon the Government order dated 18.08.2023 coming up with a stand that since the writ petitioner is entitled to two criminal cases thus he cannot continue.

4. Learned counsel for the writ petitioner has relied upon the decision in ***Writ-A No. 16186 of 2024 (Mahesh Singh v. State of U.P. and 3 Others)***, decided on 26.09.2025 so as to contend that clause 5, 6 & 8 has been rendered *ultra vires*.

5. Learned Standing Counsel whatever arguments are being raised, they can

be taken at the first instance, appeal would be filed before the third respondent, District Commandant Home Guards District Prayagraj.

6. Learned counsel for the writ petitioner submits that the writ petitioner shall file an appeal legal and factual contentions to be considered.

7. Considering the submissions of the rival parties as well as stand taken by them, the writ petition is being **disposed off** granting liberty to the writ petitioner to prefer an appeal along with the self-attested copy of the writ petition before the third respondent, who shall on the receipt of the same within a period of two weeks, proceed to decide the appeal of the petitioner strictly in accordance with law within a period of two months from the date of presentation of the certified copy of the order. In case the third respondent is of the opinion that the matter is to be decided by some other authorities then the papers shall be transmitted to the same.

8. Accordingly, the writ petition stands **disposed of**.

January 16, 2026

A. Prajapati

(Vikas Budhwar,J.)