



2026:AHC:3276

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 19662 of 2025

Sanjay Kumar

.....Petitioner(s)

Versus

The State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Aditya Prakash Verma, Ranjana Verma, Shailesh Verma
Counsel for Respondent(s)	: C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Shailesh Verma, learned counsel for the petitioner as well as Sri Pramod Kumar Srivastava, learned Additional Chief Standing Counsel for the State.
2. Learned Additional Chief Standing Counsel has made a statement at bar that he does not propose to file any affidavit and the writ petition be decided on the basis of documents available on record.
3. With the consent of learned counsel for the parties, the writ petition is being decided at the fresh stage.
4. The case of the writ petitioner is that he was engaged as a Home Guard however owing to lodging of a first information report being Case Crime No.0324 of 2024 under Sections 147, 148, 149, 452, 323, 307, 325, 504, 506 IPC, a show cause notice came to be issued to the writ petitioner on 28.12.2023. Thereafter on 22.02.2024 the services of the writ petitioner stood terminated. Questioning the termination order, present writ petition has been preferred.
5. Learned counsel for the petitioner has submitted that the entire basis for canceling the appointment and terminating the services of the writ petitioner in view of provisions contained under Rule 12 (3) of the Home Guard Act, 1963 cannot be sustained for the simple reason that mere pendency of a criminal case and also pendency of criminal trial could not be a ground to dismiss. He submits that clause 5 to 8 of Government Order dated 18.08.2023 stands applied while dislodging the petitioner was rendered ultra

vires in **Writ-A No.16186 of 2024 (Mahesh Singh Vs. State of U.P. and others)** on 26.09.2025. Thus, according to him, the matter needs to be revisited.

6. Learned Additional Chief Standing Counsel submits that whatever might be, let the petitioner approach the respondents by preferring an appeal against the said order before respondent No.3 who will revisit the matter.

7. Considering the submissions of the rival parties as well as stand taken by them, the writ petition is being **disposed of** granting liberty to the writ petitioner to prefer a comprehensive representation along with the self-attested copy of the writ petition before the respondent No.3- The District Commandant of Home Guards, Kasganj, for considering of the said order and who shall on the receipt of the same, proceed to decide the claim of the petitioner bearing in mind the judgment in **Mahesh Singh (supra)** 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.

January 7, 2026
R.S. Tiwari

(Vikas Budhwar,J.)