



2026:AHC:10369

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**WRIT - A No. - 365 of 2026**

Shreepal

.....Petitioner(s)

Versus

State of U.P. and Another

.....Respondent(s)

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|---------------------------|---|-----------------------------------|
| Counsel for Petitioner(s) | : | Sachin Kanaujiya, Shivam Kanojiya |
| Counsel for Respondent(s) | : | C.S.C.                            |

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**Court No. - 33**

**HON'BLE VIKAS BUDHWAR, J.**

1. Heard Sri Sachin Kanaujiya, learned counsel for the writ petitioner and Sri Jitendra Prasad, learned Standing Counsel for the State.

2. The grievance of the writ petitioner is that though the writ petitioner was appointed as Home Guard and while he was posted as Home Guard, a show cause notice came to be issued as to why the appointment of the writ petitioner has not dispensed with in the wake of the pendency of the criminal case and after writ petitioner was issued show cause notice on 23.12.2025, an order came to be passed by District Commandant, Home Guard, Sahjahanpur dispensing with the services.

3. Questioning the same, the present writ petition has been preferred.

4. Learned counsel for the writ petitioner submits that the impugned order cannot be sustained for the simple reason that the same is based upon the Government Order dated 18.08.2023. Learned counsel for the writ petitioner submits that clause 5, 6 and 8 of the said Government Order has been rendered ultra vires in **Mahesh Singh Vs. State of U.P.: Writ A No. 16186 of 2024 decided on 26.09.2025**

5. Learned Standing Counsel while countering the submissions submits that it is for the writ petitioner to prefer an appeal before the Divisional Commandant.

6. I have heard the submission so made across the bar and perused the record.

7. In the opinion of the Court, the order dated 23.12.2025 is appealable, thus,

it is open for the writ petitioner to take legal and factual pleas including the plea that clause 5, 6 and 8 of the Government Order dated 18.08.2023 has been rendered ultra vires in the case of **Mahesh Singh (supra)**. In case, the appeal is preferred by **30.01.2026** then the same shall be decided by **15.03.2026**.

8. With the aforesaid observation, the writ petition stands **disposed of**.

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

**January 16, 2026**  
Rajesh

**(Vikas Budhwar,J.)**