



2026:AHC:9098

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 19717 of 2025

Umesh Kumar

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Vineet Kumar Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Vineet Kumar Singh, learned counsel for the writ petitioner and Sri R.S. Umrao, learned Standing Counsel for the State.
2. Sri R.S. Umrao, learned Standing Counsel has made a statement at Bar that he is well equipped with the instructions and is in a position to argue the case. He does not propose to file any counter affidavit and the writ petition be decided on the basis of the documents available on record.
3. With the consent of the parties, the writ petition is being decided at the fresh stage.
4. The case of the writ petitioner is that he had applied for the post of Constable (Civil Police), Direct Recruitment-2023. An admit came to be issued for appearance in the exam to be conducted on 30.08.2024. According to the writ petitioner, he was selected and he also furnished on 23.04.2025 an affidavit mentioning therein a FIR dated 19.05.2022 being Case Crime no.129 of 2022, under sections 420, 120-B IPC and Section 10 of the U.P. Public Examination (Prevention of Unfair Means) Act, 1998. However, when the matter was sent for character verification, then an adverse report came to be submitted about pendency of the said case, and based upon the said report, Senior Superintendent of Police, Bulandshahr has rejected the candidature of the writ petitioner on 30.09.2025.
5. Questioning the same, the present writ petition has been preferred.
6. Learned counsel for the writ petitioner has sought to argue that the order impugned has been passed in utter violation of principles of natural justice

and even otherwise, the judgment in the case of Avtar Singh Vs. Union of India and Others (2016) 8 SCC 471, the parameter so set out has not been considered. Learned counsel for the writ petitioner submits that it is not a case of fraud, concealment or non-disclosure of the criminal case.

7. Learned Standing Counsel on the other hand submits that whatever might be, there are serious allegations against the writ petitioner, as FIR came to be preferred and though the writ petitioner has been enlarged on bail. He, however, submits that from the orders impugned, it is not forthcoming that the writ petitioner was put to notice. He thus submits that the orders impugned be set aside and the matter may be remitted back to the authority to pass a fresh order.

8. I have heard the submissions so made across the Bar and perused the records carefully.

9. Apparently, the writ petitioner was an aspirant for Constable. He was selected, however, adverse report came to be submitted about pendency of the criminal case. It is also the case of the writ petitioner that he has not been put to notice, as the orders in question has been passed behind the back of the writ petitioner and it is not a case of fraud, concealment or misrepresentation. Accordingly, the writ petition is being decided in following terms:-

- (a) The order dated 30.09.2025 passed by the S.S.P. Bulandshahr is set aside.
- (b) The matter stands remitted back to the authority to pass a fresh order.
- (c) A show cause notice shall be issued to the writ petitioner by 30.01.2026.
- (d) The writ petitioner shall tender his reply by 20.02.2026.
- (e) Orders be passed by 31.03.2026.

10. Since the order has been passed in present of the counsel for the writ petitioner and the learned Standing Counsel, thus it is deemed that they are aware about the order.

11. The writ petitioner shall submit self attested copy of the present petition as well as a certified copy of the order by 20.01.2026. Though in the present proceedings, the order dated 30.09.2025 passed by Senior Superintendent of Police, Bulandshahr has been set aside, however, that would not mean that

the writ petitioner is to be accorded appointment, as the appointment shall be subject to the final orders to be passed.

January 14, 2026
N.S.Rathour

(Vikas Budhwar,J.)