



2026:AHC:13794

**HIGH COURT OF JUDICATURE AT ALLAHABAD
WRIT - A No. - 200 of 2026**

Rajesh Kumar

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ashok Kumar Upadhyay, Rahul Srivastava
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Rahul Srivastava, learned counsel for the petitioner and Sri Rahul Malviya, learned Standing Counsel, who appears for State-respondents.
2. Instructions have been supplied by Sri Rahul Malviya, 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 initially appointed in the Marketing Department of Food and Civil Supplies and thereafter he was promoted to the post of Area Marketing Officer. Since July, 2022, the petitioner had been posted as Area Marketing Officer, District Mirzapur and had been entrusted with sensitive responsibility to procurement of paddy, prevention of illegal hoarding and regulation of Paddy (Dhaan) Purchase Centers. That while the writ petitioner was posted as Area Marketing Officer, the impugned order dated 31.12.2025 came to be passed by the Commissioner, Food and Civil Supplies, Government of U.P., Lucknow placing the writ petitioner under suspension.
4. Questioning the same, the writ petitioner has been filed the present writ petition.
5. This Court entertained the writ petition on 13.01.2026 while passing the following orders:

"Contention of the learned counsel for the writ petitioner is that the writ petitioner

happens to be Assistant Marketing Officer. Submission is that the suspension order dated 31.12.2025 cannot be sustained even for a single moment, particularly, when it is premised upon an audio clipping of the complainant depicting that there was certain transaction with regard to demand of illegal gratification with respect to food-grains. Submission of the learned counsel for the writ petitioner is that an inspection report was also submitted and a detailed report was submitted on 26.12.2025 at page 56 of the paper book showing the illegality committed by others. However, the complainant in order to implicate the writ petitioner the framed the said charges. He submits that in view of the provisions contained under Section 65-B of the Indian Evidence Act, the audio clipping cannot be said to be general document.

Shri Rahul Malviya, learned Standing Counsel seeks time to obtain instructions.

Put up this case on 20.01.2026 as fresh."

6. Learned counsel for the writ petitioner has submitted that the order impugned cannot be sustained for the simple reason that the same hinges upon the alleged conversation between one Chand Babu and the writ petitioner. According to the writ petitioner, no such demand was made by the writ petitioner and so far as the audio clipping is concerned, the same has not been verified as per the provisions contained under Section 65-B of the Indian Evidence Act. Submission is that an inspection report was also submitted and a detailed report was submitted on 26.12.2025 wherein nothing was shown against the writ petitioner and against the others. He further submits that until and unless, the forensic laboratory testifies the genuineness of the audio clipping which is mandatory as per the provisions contained under Section 65-B of the Indian Evidence Act, the writ petitioner cannot be placed under suspension. Learned counsel for the writ petitioner submits that the writ petitioner is not shy to face the departmental proceedings but the suspension order has been passed on the basis of certain inputs which have no nexus with reality. Reliance has been placed upon the Government order passed in Writ-A No.8589 of 2025 (Indra Pratap Singh v. State of U.P. and another) wherein the audio clip benefit of genuineness had been held to be a waste document.

7. Countering the submission so made by the writ petitioner, Sri Rahul Malviya, learned Standing Counsel on the other hand submits that the allegations so made which stand recited in the suspension order are grave and serious which would entail major penalty. However, according to him, as per the instructions received from his client, till date the audio clipping has not been sent for certification/ verification regarding genuineness of the

same. He submits that the respondent no. 2 is intending to send the matter to the State Government for being transmitted for obtaining forensic report. He submits that the transfer order may be set aside but the inquiry be conducted, post obtaining of the forensic report.

8. I have heard learned counsel for the parties and gone through the records carefully.

9. Facts are not in issue. It is not in issue that the writ petitioner had been placed under suspension on 31.12.2025. It is also not in dispute that the entire basis for placing the writ petitioner under suspension is a conversation being an audio clipping between the writ petitioner and Chand Babu wherein illegal gratification was being demanded. Since it is the case of the respondents that the forensic laboratory report has not been obtained and it is in process for sending the audio clip for forensic report and thus *prima facie*, the Court finds that the suspension order is warranted.

10. Accordingly, the writ petition is being decided in the following manner:

(a). The suspension order dated 31.12.2025 passed by the respondent no.2, Commissioner, Food and Civil Supplies, Government of U.P., Lucknow is set aside.

(b). Liberty is accorded to the competent authority to pass a fresh suspension order, in case, in the event, forensic report comes against the writ petitioner.

11. It is further open for the respondents to issue a charge-sheet to which the writ petitioner shall participate and the inquiry, if any, is to be concluded within a period of three months.

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

13. Instructions filed today are taken on record as marked as appendix A.

January 20, 2026

A. Prajapati

(Vikas Budhwar,J.)