



2026:AHC:25663

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**WRIT - A No. - 1653 of 2026**

Mantu Kumar Chauhan

.....Petitioner(s)

Versus

Union Of India And 5 Others

.....Respondent(s)

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|                           |                                              |
|---------------------------|----------------------------------------------|
| Counsel for Petitioner(s) | : Parvesh Kumar Pandey, Sarvesh Kumar Pandey |
| Counsel for Respondent(s) | : Prem Narayan Rai, A.S.G.I., C.S.C.         |

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**Court No. - 33**

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

1. Heard Sri P.K. Pandey, learned counsel for the writ petitioner and Sri Prem Narayan Rai, learned counsel for the respondents.

2. This Court entertained the present writ petition on 04.01.2026 and sought instructions from the respondents pursuant thereto instructions were produced which are taken on record as Appendix 'A' and 'B'.

3. Sri Prem Narayan Rai, learned counsel for the respondents has made a statement at that he is well equipped with the instructions and he is in a position to argue the matter and he does not propose to file any affidavit and he does not propose to file any affidavit and the writ petition be decided on the basis of the documents available on record. 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 the writ petitioner being fully eligible and qualified for being recruited as Agniveer applied for the post Agniveer (General Duty) in Indian Army and was allotted JIA Roll No. LUC\_UTT\_VAR\_AVGD\_2025-120153 and exam duty Roll No. 250241591100007, the examination was scheduled on 02.07.2025. The writ petitioner claims to have been selected. The writ petitioner also claims to have submitted an affidavit of certifying his character. However, according to the writ petitioner without issuing any show cause notice, the candidature of the writ petitioner stood cancelled by virtue of the order dated 10.01.2026.

5. Questioning the same, the writ petitioner has preferred the present writ petition.

6. Learned counsel for the writ petitioner has submitted that the order impugned has been passed in violation of principle of natural justice as though, it has been recited that adequate time and opportunity and show cause notices were issued to the writ petitioner but the writ petitioner failed to respond but there is no recital about the date on which the show cause notice came to be issued and it was served. Submission is that the order impugned is in violation of principles of natural justice.

7. Sri Prem Narayan Rai who appears for the respondents based upon his instructions has submitted that the writ petitioner was issued a show cause notice on 24.12.2025 and since the writ petitioner did not respond to the same so a second and final show cause notice came to be issued on 01.01.2026 and since the writ petitioner did not respond to the said notices, thus, on 10.01.2026, the order impugned came to be passed.

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

9. The order impugned dated 10.01.2026 cancelling the candidature of the writ petitioner is extracted hereinbelow.-

*"Tele: 0542-2506655*

*E-mail: vararo@nic.in*

*Army Recruiting Office Varanasi*

*Varanasi Cantonment*

*Varanasi (UP) - 221002*

*1406/Rtg/R2 (0 Jan 2026*

*RMDS No 30963*

*Mantu Kumar Chauhan S/o Kamlesh Chauhan*

*Vill - Hasanpur URF Bachhaipur Nagra, Post-Hasanpur URF Bachhaipur Nagra*

*Dist - Ballia, PIN - 221711(UP)*

**CANCELLATION OF CANDIDATURE**

1. Roll No LUC\_UTT\_VAR\_AVGD\_2025\_120153 Name Mantu Kumar Chauhan, Father Name Kamlesh Chauhan, RMDS No 30963, Vill- Hasanpur URF Bachhaipur Nagra, Post-Hasanpur URF Bachhaipur Nagra, Dist- Ballia, PIN-221711(UP).

2. Vide recruitment notification of Agniveer for year 2025-26, one of the mandatory document was police character certificate. During the rally you had not produced the same however, on humanitarian ground you were permitted to attend the rally You were warned to produce the police character certificate prior to your despatch for training if your name figures in the selected candidate list. Despite giving adequate time, opportunity & show cause notices you have failed to provide the same.

3. Your candidature is hereby cancelled & fresh candidate meeting requirement for Agniveer will be selected in place of you.

(Shailesh Kumar)

Col

Dir Rtg"

10. A bare look of the order dated 10.01.2026 passed by the respondents stood revealed that the candidature of the writ petitioner had been cancelled on the ground that despite giving adequate time opportunity and show cause notice, the writ petitioner has not responded to the same.

11. Importantly, though recital has been made in the order impugned that adequate time and opportunity and show cause notices were issued but there is no recital about the date on which the show cause notice came to be issued and served upon the writ petitioner. Moreso, the order impugned is completely silent about the said crucial aspect which goes to the root of the matter. The writ petitioner in paragraph no. 16 has asserted that the writ petitioner was not issued show cause notice but Sri Prem Narayan Rai submits that show cause notice and the final show cause notice came to be served upon the writ petitioner personally. Since, it is not apparent from the order impugned that on which date the show cause notice came to be issued and served, thus, the said discrepancy goes to the root of the matter.

12. Accordingly, the writ petition is being decided in the following

manner.-

(a) the order dated 10.01.2026 passed by respondents cancelling the candidature of the writ petitioner is set aside;

(b) since the show cause notice dated 24.12.2025 and the second and the final show cause notice dated 01.01.2026 is now within the knowledge of the writ petitioner as the same finds part and parcel of the instructions so served upon the counsel for the writ petitioner, thus, the counsel for the writ petitioner shall respond to the show cause notice dated 24.12.2025 and 01.01.2026 by 20.02.2026 and on the said motion the competent authority shall pass a specific order within a period of two weeks, thereafter.

13. Merely because, the order dated 10.01.2026 cancelling the candidature of the writ petitioner has been set aside would not give an automatic right to the writ petitioner for reinstatement or joining as the same subject to the final orders to be passed by the authority.

14. With the aforesaid observations, the writ petition stands **disposed of**.

**(Vikas Budhwar,J.)**

**February 5, 2026**

Rajesh