



2026:AHC:25656

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 157 of 2026

Vikas Yadav

.....Petitioner(s)

Versus

Union Of India And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ashok Kumar Yadav
Counsel for Respondent(s)	:	A.S.G.I., Ashish Kumar

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. A counter affidavit filed on behalf of respondents is taken on record.
2. Heard Sri Ashok Kumar Yadav, learned counsel for the writ petitioner as well as Sri Ashish Kumar, learned counsel for the respondents.
3. Learned counsel for the writ petitioner submits that he does not propose to file any rejoinder 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 that he has applied online for appointment on the post of Agniveer (General Duty) on 23.02.2025. An admit card came to be issued to the writ petitioner on 14.11.2025 and he was selected on 23.12.2025, however, according to the writ petitioner a criminal case bearing no. 224 of 2024 under Sections 147, 323, 504, 506 IPC read with Section 3(1)(i) SC/ST Act, Police Station Bankata, District Deoria was pending against the writ petitioner. Since the writ petitioner was not allowed joining so the writ petitioner had filed the present writ petition.
5. This Court entertained the writ petition on 12.01.2026 while passing the following orders.-

1. Heard Sri Ashok Kumar Yadav, learned counsel for the petitioner and Sri Ashish Kumar, learned counsel for respondents.
2. The instant petition has been filed alleging that though the petitioner has been

selected for the post of Agniveer (General Duty) in Indian Army, however, he is not being given appointment due to the pendency of a criminal cases.

3. Learned counsel of the petitioner submits that in the criminal case being Case Crime No. 224 of 2024, only general and vague allegations have been made against the petitioner herein with regard to the offences under Sections 147, 323, 504, 506 I.P.C. and 3(1)(j) SC/ST Act, there is no specific role assigned in the aforesaid case against the petitioner herein.

4. Per contra, learned counsel for the Union of India submits that the petitioner is not being deprived of the appointment, only because of the said case but due to non submission of the Character Certificate from the Police Authority and in this regard notices have already been issued to the respondents.

5. In view thereof, learned counsel for the Union of India is directed to seek instruction as what are the specific policies of the Union of India with regard to the appointment on post of Agniveer, especially with regard to persons who are having criminal cases pending against them and what are the offences, in which appointment cannot be granted.

6. Put up this matter on 27.01.2026 as fresh before the appropriate Bench."

6. Post passing of the order by this Court, a counter affidavit has been filed.

7. Learned counsel for the writ petitioner has sought to argue that a show cause notice came to be issued to the writ petitioner on 24.12.2025 followed by second and final show cause notice dated 01.01.2026. The writ petitioner while inviting the attention towards page 31 has sought to argue that the writ petitioner had submitted a reply on 28.12.2025 but according to the writ petitioner, he seeks to file another supplementary reply in order to substantiate his stand while taking a ground that mere pendency of a criminal case cannot be a ground to denude appointment particularly in view of the law laid down by Hon'ble Apex Court in the case of **Avtar Singh Vs. Union of India : (2016) 8 SCC 471**. He further submits that the time be accorded to the writ petitioner to submit a reply and orders be passed in this regard.

8. Sri Ashish Kumar who appears for the respondents on the basis of the instructions and counter affidavit so filed by him submits that there happens to be a policy of the respondents, according to which, where

criminal cases are being lodged against the individual Agniveer are being dealt with. According to him, it is always open for the writ petitioner to submit a reply and the authority shall consider the same.

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

10. This Court at this juncture does not deem it appropriate to further delve into the issue and rather disposal of the writ petition requiring the writ petitioner to submit a reply to the show cause notice and the final show cause notice by **27.02.2026** and on the said motion, the authority shall decide the same after a further period of 18 days.

11. With the aforesaid observations, the writ petition stands disposed of.

(Vikas Budhwar,J.)

February 5, 2026

Rajesh