



2026:AHC:48555

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 1907 of 2026

Ram Prakash

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Bhim Sen Pandey, Kartikey Pandey
Counsel for Respondent(s)	:	Azad Rai, C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Bhim Sen Pandey, learned counsel for the petitioner and Sri Pramod Kumar Srivastava, learned Additional Chief Standing Counsel, who appears for State-respondents as well as Shri Azad Rai, counsel for the respondent- Gaon Sabha.

2. This court entertained this petition on 10.02.2026 while directing the learned Additional Chief Standing Counsel to obtain instructions and thereafter the matter was fixed for today. Instructions have been supplied by Sri Pramod Kumar Srivastava, learned Additional Chief 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 appointed as Panchayat Shayak/ Account-cum-Data Entry Operator on 06.10.2021, however, owing to certain allegations, a show cause notice came to be issued to the writ petitioner on 20.01.2025 seeking explanation. Thereafter the Gram Panchayat Secretary also issued a show cause notice on 22.01.2025. The writ petitioner claims to have submitted his explanation on 27.01.2025. The Gram Panchayat Secretary issued another notice dated 31.01.2025 seeking explanation on six points and the writ petitioner tendered his reply/ explanation on 06.02.2025, another notice came to be issued by the Gram Panchayat Secretary on 24.02.2025 and thereafter a resolution came to be passed by the Administrative Committee proposing to remove the writ

petitioner from service on 18.03.2025. The writ petitioner questioned the same while filing Writ-A No. 6040 of 2025 which came to be disposed of on 06.05.2025 while passing the following orders:

"1. Heard Shri B.S. Pandey, learned counsel for petitioner, Shri Azad Rai, learned counsel for Gram Panchayat concerned and learned Standing Counsel.

2. By means of this petition filed under Article 226 of the Constitution petitioner has questioned the resolution adopted by the Gram Panchayat dated 18.03.2025 to remove the petitioner from the post of Panchayat Sahayak.

3. Shri Azad Rai, learned counsel for gram panchayat submits that till date approval has not been accorded to the resolution of the gram panchayat by the Block Development Officer and if the petitioner has any grievance he may approach the Block Development Officer to put up his defence.

4. In the given facts and circumstances, I dispose of this petition with the direction to the petitioner to approach the Block Development Officer concerned by making representation within a period of four weeks from today in the event any such representation is made the same shall be disposed of by the Block Development Officer considering the resolution of the gram panchayat for the purposes of approval."

4. The writ petitioner thereafter represented the matter along with certified copy of the order passed by the writ court before the Block Development Officer on 22.05.2025 and on 27.05.2025 thereafter on 05.07.2025, the Gram Panchayat issued notice on requiring the writ petitioner to deposit the amount. As per the writ petitioner though the writ petitioner's services could not have been dispensed with, particularly, when the quorum was not complete and further in pursuance of a direction issued in Writ-A No. 6040 of 2025 on 06.05.2025, the Block Development Officer to consider the representation so preferred by the writ petitioner but now an advertisement is stated to have been published on 14.01.2026 by the second respondent, District Magistrate, Fatehpur for conducting selection for Panchayat Shayak/ Account-cum-Data Entry Operator for Gram Panchayat- Bahta, Block Khajuha Tehsil Bindaki, District- Fatehpur.

5. Questioning the same, the writ petitioner has been filed the present writ petition.

6. This Court entertained the writ petition on 10.02.2026 while passing the following orders:

"Contention of the learned counsel for the writ petitioner is that the writ petitioner has been removed from the post of Panchayat Sahayak/ Account-cum-Data Entry Operator and since according to the writ petitioner in the resolution so passed by the Gram Sabha, the quorum was not completed thus the writ petitioner instituted Writ-A No.6040 of 2025, in which a direction was issued to the Block Development Officer to decide the claim, on 06.05.2025 (Page 51 of the paperbook). However, till date, the said claim has not been decided, but now the post in question has been advertised.

Shri Rahul Malviya, learned Standing Counsel as well as Shri Azad Rai, counsel for the respondents seek time to obtain instructions.

List on 16.02.2026 at 2.00 PM in the additional cause list."

7. Thereafter on 24.02.2026, the following orders were passed:

"1. The instructions filed today is taken on record as appendix 'A'.

2. This Court on 10.02.2026 proceeded to pass the following orders:-

"Contention of the learned counsel for the writ petitioner is that the writ petitioner has been removed from the post of Panchayat Sahayak/ Account-cum-Data Entry Operator and since according to the writ petitioner in the resolution so passed by the Gram Sabha, the quorum was not completed thus the writ petitioner instituted Writ-A No.6040 of 2025, in which a direction was issued to the Block Development Officer to decide the claim, on 06.05.2025 (Page 51 of the paperbook). However, till date, the said claim has not been decided, but now the post in question has been advertised.

Shri Rahul Malviya, learned Standing Counsel as well as Shri Azad Rai, counsel for the respondents seek time to obtain instructions.

List on 16.02.2026 at 2.00 PM in the additional cause list."

3. Today when the matter has been taken up, instructions have been produced under the signature of Block Development Officer, Vikas Khand Khajuha, Fatehpur dated 20.02.2026 which do not answer to the queries raised by this Court on 10.02.2026.

4. Put up this case on day after tomorrow, i.e., 26.02.2026 at 02.00 p.m.

5. In case instructions are not received then the District Magistrate

Fatehpur, District Panchayat Raj Officer Fatehpur and Block Development Officer Block Khajuha District Fatehpur shall remain present."

8. Post passing of the order, today instructions, dated 20.02.2026 and 25.02.2026 have been forwarded which is taken on record and marked as Appendix A.

9. Learned counsel for the writ petitioner has submitted that the judgment in the order passed in Writ-A no. 6040 of 2025 on 06.05.2025 has not been complied with whereby the Block Development Officer was under obligations to decide the representation which the writ petitioner had preferred. Submission is that though along with instructions dated 25.02.2026 under the signatures of Block Development Officer, Khajuha, Fatehpur, there happens to be at page-3 of the paper-book, an order passed by the Block Development Officer dated 25.02.2026 deciding the representation but according to the learned counsel for the writ petitioner, the representation happens to be decided in light of the order passed in Writ-A No. 1907 of 2026 and not relatable to Writ-A no. 6040 of 2025, decided on 06.05.2025. Thus, he submits that there has been no compliance of the orders passed in Writ-A no. 6040 of 2025 by which the respondents were to decide the representation and according to the writ petitioner, only post decision in the representation, it was open for the respondents to take a decision to advertise or not it dependent upon the fate and the outcome/ decision on the representation preferred by the writ petitioner.

10. Sri Pramod Kumar Srivastava, learned Additional Chief Standing Counsel as well as Shri Azad Rai, counsel for the respondent- Gaon Sabha on the other hand submits that though it appears that there happens to be a direction contained in Writ-A no. 6040 of 2025 dated 06.05.2025 to decide the representation of the writ petitioner preferred against the resolution of the Gram Panchayat dated 18.03.2025 dispensing with the services of the writ petitioner but due to inadvertence and overlooking the aspect, the representation came to be decided in light of the order passed in Writ-A no. 1907 of 2026, they submit that a fresh order would be passed and the present order would not come in the way.

11. To such a submission, learned counsel for the petitioner has no objection and he gracefully accepts the same.

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

13. Considering the submissions so made across the bar and bearing in mind the aspect of the respective parties as well as stand taken by them, the writ petition is being **disposed off** requiring the Block Development Officer to decide the representation and pass a fresh order strictly in accordance with law within a period of three weeks from today.

14. The order dated 25.02.2026 shall not come in the way while passing the fresh orders in that regard.

March 10, 2026

Ashu

(Vikas Budhwar,J.)