



2026:AHC:48319

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 17252 of 2025

Virendra Pratap Patel

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Rabindra Bahadur Singh, Raj Murti Patel
Counsel for Respondent(s)	: Shruti Taneja, C.S.C., Mahendra Narain Singh, Siddharth Singhal

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Rabindra Bahadur Singh, learned counsel for the writ petitioner, Sri Manish Kumar, learned Standing Counsel for the State, Sri Siddharth Singhal, who appears for Respondent no.4 and Ms. Srishti Gupta (AoR No. A/S 0657/2022), holding brief of Sri Kartikeya Saran, who appears for Respondent nos. 2 and 3.

2. A statement has been made by the learned counsels for the rival parties that they do not propose to file any 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. This Court entertained the present writ petition on 18.11.2025 while passing the following orders:-

"Matter has been taken up in the revised list.

Though, learned counsel for the writ petitioner as well as Shri Akhilesh Kumar Maurya (AoR No.A/A0014/2020), learned advocate holding brief of Shri Siddharth Singhal, learned counsel for the respondent no.4 is present, but no body is present on behalf of respondent Nos.2 and 3.

It is quite unfortunate as nobody is appearing in these matters.

Issue notice to respondent Nos.2 and 3.

Put up this case on 10th December, 2025 as fresh.

In the meantime, affidavits may be exchanged."

5. Thereafter on 02.02.2026, the following orders were passed:-

"1. Learned counsel for the respondents no. 2, 3 and 4 submits that the petitioner has not challenged the order dated 21.02.2024 whereby he was debarred by the U.P. Subordinate Service Selection Commission and in the instant petition only the subsequent orders passed by the Union Public Service Commission has been challenged.

2. In view thereof, the copy of the aforesaid order dated 21.02.2024 has been supplied by Sri Siddharth Singhal, learned counsel for the respondent no.4 to the petitioner today in Court. In view thereof, learned counsel for the petitioner seeks to challenge the aforesaid order dated 21.02.2024 by amending the writ petition.

3. Accordingly, case is adjourned for three weeks to enable the petitioner to do the needful.

4. Put up this matter as fresh on 24.02.2026 before the appropriate Bench."

6. On 24.02.2026, this Court proceeded to pass the following orders:-

"Order on Civil Misc. Amendment Application No. Nill of 2025

1. Since there is no objection to the same by the learned Standing Counsel, amendment application stands allowed.

2. Let necessary amendment be carried out in the writ petition by learned counsel for petitioner within three days.

3. Since the amendment application is directly filed in the Court, Office is directed to allot a regular number, if required.

Order on writ petition

3. Put up this case as fresh on 10.03.2026."

7. Sri R.B. Singh, learned counsel for the writ petitioner has made a statement at Bar that though by virtue of the order dated 24.02.2026, an Amendment Application No. Nil of 2025 came to be allowed while questioning the order dated 21.02.2024 passed by the Secretary/ Examination Controller, U.P. Sub-ordinate Service Selection Commission, U.P., Lucknow, but he seeks dismissal of the writ petitioner in so far as the order dated 21.02.2024 passed by Secretary/ Examination Controller, U.P. Sub-ordinate Service Selection Commission, U.P., Lucknow with a liberty to challenge the same by preferring a fresh writ petition.

8. Learned Standing Counsel as well as Sri Siddharth Singhal have no objection to the same. Accordingly, the writ petition in so far as it seeks to question the order dated 21.02.2024 passed by Secretary/ Examination Controller, U.P. Sub-ordinate Service Selection Commission, U.P., Lucknow is dismissed with liberty to challenge the same by filing a fresh writ petition. However, objections to be raised at the appropriate time by counsel for the

respondents against the order dated 21.02.2024 are left open.

9. The case of the writ petition is that an advertisement came to be published by the fourth respondent, Secretary/ Examination Controller, U.P. Sub-ordinate Service Selection Commission, U.P., Lucknow for the post of Sammilit Gram Panchayat Adhikari, Gram Vikas Adhikari (SK) and Samaj Kalyan Paryavekshak Pratiyogita Pariksha-2018. However, on 21.02.2024, the fourth respondent, Secretary/ Examination Controller, U.P. Sub-ordinate Service Selection Commission, U.P., Lucknow debarred the writ petitioner for a period of five years on account of adopting unfair means. Since the order debarring the writ petitioner came to be circulated to the examination authorities, thus a show cause notice came to be issued to the writ petitioner on 11.09.2024 show causing the writ petitioner as to why appropriate action be not taken against the writ petitioner. The writ petitioner on the receipt of the show cause notice, tendered its reply on 03.10.2024 and thereafter on 18.09.2025, an order came to be passed by Deputy Secretary, U.P. Public Service Commission, debarring the writ petitioner on 18.09.2025 for a period of five years.

10. Questioning the same, the present writ petition has been preferred.

11. Learned counsel for the writ petitioner has sought to argue that the order impugned cannot be sustained for a single moment. Elaborating the said submission, it is contended that once a show cause notice came to be issued requiring the writ petitioner to tender its reply, then the contentions so sought to be raised by the writ petitioner in reply to the show cause notice ought to have been considered. Contention is that the contentions so raised by the writ petitioner has been brushed aside and overlooked. Argument is that it may be a case, where respondents may not be convinced with the contentions so raised, but there has to be a consideration of the same, thus it is submitted that the order impugned be set aside and matter be remitted back to pass a fresh order.

12. Sri Manish Kumar, learned Standing Counsel as well as Ms. Srishti Gupta holding brief of Sri Saran have submitted that once the Sub-ordinate Service Commission has debarred the writ petitioner for a period of five years, then there remains no occasion to depart from a decision taken by the Sub-ordinate Service Commission by the U.P. Public Service Commission. However, he could not dispute the fact that the contentions so raised by the

writ petitioner in reply to the show cause notice have not been considered.

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

14. Facts are not in issue. It is not in issue that on 21.02.2024, the Sub-ordinate Commission has debarred the writ petitioner for a period of five years and based upon the same, a show cause notice came to be issued by the Public Service Commission on 11.09.2024, which reads as under:-

"कारण बताओ नोटिस

(उ०प्र० लोक सेवा आयोग (प्रक्रिया एवं कार्य संचालन) नियमावली-2011 के नियम 32(2) के अन्तर्गत) उ०प्र० अधीनस्थ सेवा चयन आयोग, लखनऊ के पत्रांक-196 /06/तीन (परी०-1)/2023/खण्ड-8/टी०सी०-1, दिनांक 21.02.2024 द्वारा VIRENDRA PRATAP PATEL को दिनांक 26.06.2023 से 05 वर्ष के लिये निम्न कारणों से प्रतिवारित किया गया है:-

"सम्मिलित ग्राम पंचायत अधिकारी, ग्राम विकास अधिकारी (स०क०) एवं समाज कल्याण पर्यवेक्षक (सामान्य चयन) परीक्षा, 2018 की पुनर्परीक्षा में अभ्यर्थी के स्थान पर अन्य व्यक्ति के प्रतिभाग करने के कारण।"

अतः 15 दिवसों के भीतर इस आशय का कारण प्रदर्शित करें कि क्यों न आपको उक्त कदाचरण के कारण उ०प्र० लोक सेवा आयोग, प्रयागराज की समस्त परीक्षाओं / चयनों से 05 वर्ष के लिये प्रतिवारित कर दिया जाय? आपको यह भी सूचित किया जाता है कि यदि आप व्यक्तिगत सुनवाई का अवसर चाहते हैं तो दिनांक 01.10.2024 को अपरान्ह 03:30 बजे उ०प्र० लोक सेवा आयोग, 10, कस्तूरबा गांधी मार्ग, प्रयागराज में साक्ष्यों सहित उपस्थित हों अथवा प्रत्यावेदन के माध्यम से अपना उत्तर प्रेषित करना सुनिश्चित करें। यह भी स्पष्ट किया जाता है कि निर्दिष्ट अवधि के भीतर आपका उत्तर प्राप्त न होने / व्यक्तिगत सुनवाई हेतु उपस्थित न होने पर यह अवधारित किया जाएगा कि इस सम्बन्ध में आपको कुछ नहीं कहना है एवं तदनुसार अन्तिम आदेश पारित कर दिया जाएगा।"

15. The writ petitioner tendered his reply on 03.10.2024, which is quoted hereinunder:-

"महोदय,

निवेदन है कि प्रार्थी बीरेन्द्र प्रताप पटेल पुत्र श्री बीरबल पटेल ग्रा० सरायभोगी पो० सरायभोगी सुजानगंज जौनपुर के निवासी है। मैंने ग्राम पंचायत अधिकारी व ग्राम विकास अधिकारी (सा० चयन) परीक्षा 2018 की पुनर्परीक्षा में सम्मिलित हुआ जो मेरी परीक्षा मिर्जापुर परीक्षा केन्द्र पर हुई थी और मैं स्वयं परीक्षा में बैठा था बायोमैट्रिक कराने के लिए आये और मैच न करने पर बोल कर गये कि फिर आ रहा हूँ। अन्य लडको का करने लगे दूबारा प्रयास नहीं किए परीक्षा देकर बाहर निकल आये उसके बाद मेरे ऊपर कार्यवाही करके दो माह बाद सूचना दी गयी यदि मैं गलत था तो

मुझे चेक करके क्यों नहीं पकड़ा गया इसका जिम्मेदार केन्द्र व्यवस्थापक एवं प्रशासन है।
अतः श्रीमान् जी से प्रार्थना करता हूँ कि मैं निर्दोष हूँ। मेरे ऊपर गलत तरीके से कार्यवाही की गयी जबकि उच्च न्यायालय के द्वारा अग्रिम जमानत की आर्डर कापी प्राप्त हुआ है।"

16. Thereafter on 18.09.2025, the Commission proceeded to pass the order impugned, which reads as under:-

"कार्यालय-ज्ञाप

(उ०प्र० लोक सेवा आयोग (प्रक्रिया एवं कार्य संचालन) नियमावली-2011 के नियम 32(2) के अन्तर्गत) उ०प्र० अधीनस्थ सेवा चयन आयोग, लखनऊ के पत्रांक-196/06/तीन (परी०-1) /2023/खण्ड-8/टी०सी०-१, दिनांक 21.02.2024 द्वारा VIRENDRA PRATAP PATEI को दिनांक 28.06.2023 से 05 वर्ष के लिये निम्न कारणों से प्रतिवारित किया गया है-

"सम्मिलित ग्राम पंचायत अधिकारी, ग्राम विकास अधिकारी (स०क०) एवं समाज कल्याण पर्यवेक्षक (सामान्य चयन) परीक्षा, 2018 की पुनर्परीक्षा में अभ्यर्थी के स्थान पर अन्य व्यक्ति के प्रतिभाग करने के कारण।"

2-उ०प्र० अधीनस्थ सेवा चयन आयोग का उक्त पत्र उ०प्र० लोक सेवा आयोग को भी प्राप्त हुआ। उक्त के संदर्भ में आपको कारण बताओ नोटिस दिनांक 11.09.2024 प्रेषित करते हुए यह निर्देशित किया गया था कि 15 दिवसों के भीतर / सुनवाई की तिथि के पूर्व इस आशय का कारण प्रदर्शित करें कि क्यों न आपको उक्त कदाचार के कारण उ०प्र० लोक सेवा आयोग, प्रयागराज की समस्त परीक्षाओं और वयनों से 05 वर्षों के लिए प्रतिवारित कर दिया जाय। आपको यह भी निर्देशित किया गया था कि निर्दिष्ट अवधि के भीतर उत्तर प्राप्त न होने पर यह अवधारित किया जाएगा कि इस सम्बन्ध में आपको कुछ नहीं कहना है एवं तदनुसार आयोग द्वारा अन्तिम आदेश पारित कर दिया जाएगा। आपका पक्ष जानने के लिए आपको व्यक्तिगत सुनवाई हेतु दिनांक 01.10.2024 को आयोग कार्यालय में आहूत भी लिया गया था।

3- इस सन्दर्भ में आपके द्वारा अपने प्रत्यावेदन दिनांक 03.10.2024 के माध्यम से अपना पक्ष मा० आयोग के समक्ष रखा गया। आपके प्रकरण पर मा० आयोग द्वारा सम्यक रूपेण विचार किया गया। विचारोपरान्त मा० आयोग के निर्णयानुसार आपको आयोग कार्यालय द्वारा जारी कारण बताओ नोटिस की तिथि 11.09.2024 से 05 वर्षों के लिए लोक सेवा आयोग, उ०प्र० की समस्त लिखित परीक्षाओं / साक्षात्कारों से प्रतिवारित कर दिया गया है।"

17. A bare look of the order impugned would reveal that none of the contentions so raised by the writ petition has been considered. However, in one line, it has been recited that the reply so submitted to the show cause notice is not satisfactory. In the opinion of the Court, the very purpose of issuance of show cause notice and seeking reply stands extinguished, once there is no consideration of the reply to the show cause notice. Since the said exercise is lacking, thus the order impugned cannot be sustained.

18. Accordingly, the writ petition is decided in the following terms:-

(a) The order dated 18.09.2025 passed by Special Secretary, U.P. Public Service Commission is set aside.

(b) The matter stands remitted back to the authority to pass a fresh order within a period of two months.

(c) By saying so, it may not be construed to be an expression that the writ petitioner is bestowed with the benefits automatically, as the same will be dependent upon the fresh orders to be passed therein.

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

March 10, 2026

N.S.Rathour

(Vikas Budhwar,J.)