



2026:AHC:27501

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 1835 of 2026

Umesh Chandra

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Mahendra Kumar Prajapati
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Mahendra Kumar Prajapati, learned counsel for the writ petitioner and Sri Jitendra Prasad, learned Standing Counsel for the State.
2. The case of the writ petitioner is that he was appointed on the post of Home Guard in the year 2004, however, owing to lodging of a criminal case being Case Crime No. 258 of 2010 under Sections 376 and 511 IPC, the writ petitioner came to be arrested, he was accorded bail, a charge sheet was submitted on 27.07.2010. However, in pursuance of the Government Order dated 18.08.2023, the engagement of the writ petitioner came to be cancelled on 16.09.2025 in view of the provisions contained in the Government Order dated 18.08.2023 against which the writ petitioner preferred an appeal which also came to be rejected by the Divisional Commandant, Home Guards, Prayagraj by virtue of the order dated 11.12.2025 provided therein that against the said order, the writ petitioner has remedy to prefer appeal before the Deputy Commandant General Home Guard, East Zone, Prayagraj.
3. Questioning both the orders, the present writ petition has been preferred.
4. Learned counsel for the writ petitioner submits that mere pendency of a criminal case cannot be a ground to denude the benefits particularly wherein clauses 5 & 6 of the Government Order dated 18.08.2023 had been rendered ultra vires in judgment of the Coordinate Bench in **Mahesh Singh Vs. State of U.P.: Writ A No. 16186 of 2024 decided on 26.09.2025**. Learned counsel for the writ petitioner submits that the appeal which the writ petitioner would be preferred before the second appellate authority be considered.

5. To such a submission, learned counsel for the writ petitioner has no objection.

6. Considering the submission so made across the bar and after perusing the record, the writ petition stands **disposed of** granting liberty to the writ petitioner to prefer second appeal before the competent authority by **27.02.2026** and on the said motion, the second appellate authority shall decide the same within a period of six weeks, thereafter, strictly in the light of the judgment in **Mahesh Kumar (supra)**.

7. Instructions filed today are taken on record and marked as Appendix 'A'.

February 9, 2026

Rajesh

(Vikas Budhwar,J.)