



2026:AHC:51636

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 3445 of 2026

Narsingh Chaurasiya

.....Petitioner(s)

Versus

Union Of India And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Kiran Rani, Laloo Yadav
Counsel for Respondent(s)	:	A.S.G.I., C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Ms. Kiran Rani, learned counsel for the writ petitioner, Sri Ravi Prakash Srivastava, learned counsel for Respondent Nos.1 and 2 and Sri P.K. Srivastava, learned Addl. Chief Standing Counsel for the State.

2. Sri Ravi Prakash Srivastava has produced before this Court instructions under the signature of Major OIC Legal Cell dated 12.03.2026. According to him, he does not propose to file any affidavit and the writ petition be decided on the basis of the documents available on record.

3. The case of the writ petitioner is that a notification came to be published by the respondents for selection and appointment of Agniveer in Indian Army. The writ petitioner being fully eligible and qualified in all respects, is stated to have been selected. However, according to the writ petitioner, on 10.01.2026, an order came to be passed by the respondents whereby the candidature of the writ petitioner has been cancelled.

4. Questioning the said order, the present writ petition has been preferred.

5. Learned counsel for the writ petitioner has sought to argue that the order impugned cannot be sustained for the simple reason that the consideration which weighed the respondents for that despite issuance of show cause notice, time and opportunity, the writ petitioner did not tender his reply with regard to submission of mandatory document, being police character certificate. Contention of learned counsel for the writ petitioner is that the said show cause notices, which have been referred to in the order impugned have not been served upon the writ petitioner and had the said show cause notices been served upon the writ petitioner, the writ petitioner would have

responded to the same. Submission is that the order impugned recites about the show cause notices, but there is no recital of the date on which the said show cause notices came to be served. Less to say about the date of the show cause notice. Attention has been drawn towards para-15 in order to substantiate the said averments.

6. Sri Srivastava, who appears for the respondents on the strength of the instructions passed today, has referred to the show cause notice dated 24.12.2025 and the second and the final show cause notice dated 01.01.2026. He submits that despite issuance of the show cause notice and second and final show cause notice, the writ petitioner had not tendered his reply. Thus the respondents have no option but to pass an order in absence of reply to the show cause notice.

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

8. Apparently, the candidature of the writ petitioner stood cancelled by respondents on 10.01.2026, order whereof is quoted hereinunder:-

"1. Roll No LUC_UTT_VAR_AVGD_2025 122367 Name Narsingh Chaurasiya, Father Name Kamlesh. RMDS No 52672 Vill-Kaharauli, Post-Pipiganj. Dist-Gorakhpur, Pin-273165

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"

9. Though in the order impugned, it has been recited that despite giving adequate time and opportunity and show cause notice, the writ petitioner had failed to give any reply, but there is no recital about the date of the show cause notices and the date on which the same stood served upon the writ petitioner. As a matter of fact, something more was required to have been recited in the order impugned with regard to the fact that when the show cause notice came to be issued and was served upon the writ petitioner on a particular date and despite service, the writ petitioner did not tender his reply. The said exercise is lacking. In the similar circumstances in **Writ-A**

no.1653 of 2026, Mantu Kumar Chauhan vs. Union of India, decided on 05.02.2026, the show cause notice also contained the same wordings about non-submission of reply to the show cause notice. Para-9 of the judgment is quoted herein under:-

"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)

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10. Since the writ petitioner is disputing the service of show cause notice, and there is no recital about the date on which the show cause notice came to be issued and served in the order impugned, thus the order impugned cannot be sustained.

11. Accordingly, the writ petition is being decided in the following terms:

(a) The order dated 10.01.2026 passed by the 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 31.03.2026 and on the said motion the competent authority shall pass a specific order within a period of two weeks, thereafter.

12. 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.

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

March 13, 2026

N.S.Rathour

(Vikas Budhwar,J.)