



2026:AHC:52273

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 3561 of 2026

Subhash Kumar Jha

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ajay Mishra, Shubham Kumar Dubey
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri S.K. Mishra, learned Senior Advocate assisted by Sri Kumar Prajjwal (AoR No.A/K 2174/2025) holding brief of Sri Shubham Kumar Dubey, learned counsel for the writ petitioner and Sri Manish Kumar, learned Standing Counsel for the Respondent nos. 1, 2, 3, 4 and 6.

2. In view of the order, which is being proposed to be passed today, notices are not being issued to the fifth respondent.

3. The case of the writ petitioner is that he was selected on the post of Village Development Officer in the year 1999 and thereafter, he was on the post of Assistant Development Officer (R.D.) on 27.05.2022. As per the writ petitioner, the respondent no.5, who happens to be a journalist who in collusion with one Satyapal lodged a complaint against the writ petitioner. As per the writ petitioner, with regard to allegation of disproportionate assets, an inquiry stood conducted in which nothing adverse was found and thereafter, a first information report was also stood lodged under Sections 420, 467, 468, 469, 471, 384 and 120B of IPC in the year 2023, in which a final report was submitted. However, the fifth respondent is in the habit of blackmailing. Thus, the wife of the writ petitioner lodged a complaint before the respondents alleging that the entire family is being blackmailed. However, now, the Superintendent of Police, Uttar Pradesh Vigilance Department Agra has issued a notice to the writ petitioner on 16.02.2026 requiring the writ petitioner to participate in the investigation and to submit the explanation in that regard.

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

5. Learned counsel for the writ petitioner has sought to argue that the impugned notice cannot be sustained even for the single moment, as the same is without authority and without there being any complaint, so lodged as per the Government Order supported by an affidavit, the proceedings could not have been triggered. Contention is that the entire action is vindictive and the only motivating factor is the fact that the writ petitioner did not succumb to the pressure so exerted by the fifth respondent, who is in the habit of blackmailing the writ petitioner. Reliance has been placed upon a Division Bench decision of the Lucknow Bench of this Court in **Misc. Bench No.32018 of 2019, Zuhair Bin Saghir vs. State Of U.P.**, decided on 08.01.2020. Additionally, it has been argued that the writ petitioner has also represented the matter before the respondent no.3, but no action has been taken.

6. Countering the submissions, so made by learned counsel for the writ petitioner, Sri Manish Kumar, learned Standing Counsel on the other hand submits that the writ petitioner at this juncture has no legal right to maintain the present writ petition, particularly when only notice has been issued and it is for the writ petitioner to respond to the notice and to take all legal and factual aspects of the matter.

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

8. Apparently, the writ petitioner happens to be a Village Development Officer, whose services stand governed under the U.P. Government Servant (Discipline and Appeal) Rules, 1999. As a matter of fact, here in the present case, according to the writ petitioner, he has been blackmailed by the fifth respondent, as already earlier according to him, a complaint stood lodged regarding the allegation of possession of disproportionate assets and income, which stood decided in favour of the writ petitioner and thereafter, a first information report stood lodged in which a final report came to be submitted.

9. In the opinion of the Court since at this stage, only a notice came to be issued by the third respondent, requiring the writ petitioner to submit his explanation. Thus it is for the writ petitioner to submit his explanation taking all the legal and factual grounds, including jurisdiction as well as the maintainability of the complaint on the basis whereof the investigation is

being conducted post-issuance of the notice taking the aid of the argument that the complaint is bogus not supported by an affidavit while relying upon a judgment in *Zuhair Bin Saghir (supra)*. Even otherwise, it would be not appropriate for this Court to delve into the merit of the allegation, particularly when only notice has been issued and an opportunity has been afforded to the writ petitioner to set forth his contention.

10. Accordingly, interference at this stage is declined. The writ petition is **disposed of** leaving it open for the writ petitioner to respond while taking all legal and factual submissions, and in case the same are taken, this Court has no reasons to disbelieve that the same shall be considered strictly in accordance with law.

March 16, 2026

N.S.Rathour