



2026:AHC:28753

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 1930 of 2026

Sunil Kumar

.....Petitioner(s)

Versus

State Of Up And 4 Others

.....Respondent(s)

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

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Raj Kumar Prajapati, learned counsel for the petitioner as well as learned Standing Counsel.

2. Petitioner, who have directly applied for the post of Constable, were only paid stipend during the training period, whereas, the candidates who had been in police force and had also applied for direct selection as Sub Inspector, were given salary during the training period as Sub Inspector.

3. Sri Raj Kumar Prajapati, learned counsel for the petitioners has argued that this controversy of discrimination meted out to such Sub Inspectors has come to be addressed to and resolved by a Division Bench of this Court in Alok Kumar Singh & 5 Ors v. State of U.P. & Ors being Special Appeal No. 169 of 2020 decided on 08.09.2021. The said judgment had been unsuccessfully appealed against before the Supreme Court as Special Leave to Appeal (C) No. 798 of 2022 was dismissed in limine on 04.02.2022. He has drawn the attention of the Court to the relevant paragraph of the Division Bench judgment which is reproduced hereunder:

"The perusal of the circular does not make distinction between direct recruitment and promotion by limited department examination to the post of Sub-Inspector. Para 3 of the circular of 1979 makes it clear that many candidates apply for the post of Sub-Inspector by direct recruitment and when they are selected, tender resignation. It was clarified that resignation is not required to be accepted rather the candidate should be sent on training so that they may get the benefit of leave salary. The circular of 1979 makes it clear that the period of training would be treated to be

towards the leave to the extent it is available in the credit of the employee.

Learned Single Judge, however, decided the writ petition on the premises different than required to be considered. It is no doubt that the appointment on the post of Sub-Inspector was to be given after successful completion of training but for that reason alone, the circular of year 1965, as clarified in the year 1979, could not have been ignored. It is more so when the Apex Court has directed to extend the similar benefit to the appointee on the post of Sub-Inspector though it was out of the limited department examination but the respondents having not made any difference in the direct recruitment and limited department examination, the petitioner appellants should have been extended the benefit of the circular of 1965 and 1979."

4. Learned counsel for the petitioner submitted that petitioner has already approached the competent authority in the matter namely the respondent no. 4 raising grievance through representation to the petition and wants that the same may be directed to be disposed of in the light of law laid down by the Division Bench, affirmed in SLP.

5. Learned Standing Counsel could not meet the argument as far as Division Bench judgment is concerned but has no objection to the request that the representation may be considered and disposed of strictly in accordance with law.

6. In view of the above, this petition stands disposed of with a direction to the respondent no. 4 to look into and consider the grievance/ claim set up by the petitioners in their representation and dispose of the same strictly in accordance with law considering the judgment cited herein above as expeditiously as possible preferably within a period of two months from the date of receipt of certified copy of this order.

7. Needless to add that the order to be passed by the competent authority, as directed herein above, shall be reasoned and speaking one.

(Vikas Budhwar,J.)

February 10, 2026
Sushma