



2026:AHC:31339

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 823 of 2026

Manish Kumar, Panchayat Assistant Cum Data
Entry Operator Village Panchayat-Jigna

.....Petitioner(s)

Versus

State Of Up And 7 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Shailesh Pandey
Counsel for Respondent(s)	:	C.S.C., Pradeep Singh

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Shailesh Pandey, learned counsel for the petitioner as well as Sri R.S. Umrao, learned Standing Counsel and Sri Pradeep Singh, learned counsel appearing for the Gram Sabha.

2. This Court entertained the writ petition on 22.01.2026 and sought instructions from the respondents. Instructions have been produced under the signatures of the District Panchayat Raj Officer, Mirzapur, dated 10.02.2026. Learned counsel for the respondents submit that they do not propose to file any further affidavit and petition be decided on the basis of the documents available on record, thus with the consent of the parties, the matter is being decided at the fresh stage.

3. The case of the petitioner is that he was selected on the post of Panchayat Assistant/Accountant cum Data Entry Operator in Village Panchayat-Jigna Block-Jamalpur, District Mirzapur on 01.10.2021 for a period of one year. According to the petitioner, in terms of the Government Order dated 25.07.2025, his services stood extended from time to time. However, by order dated 25.10.2025 passed under the signature of the Village Development Officer (Sachiv Gram Panchayat)-Jigna, Block Jamalpur, Mirzapur (respondent no. 6) his engagement has been dispensed with.

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

5. Learned counsel for the petitioner contends that the impugned order cannot be sustained as it is stigmatic in nature and violative of the principles of natural justice. It is submitted that though the petitioner was engaged on a contractual basis, the Government Order dated 25.07.2025 (and subsequent Government Order dated 25.10.2025) provides that in case anything adverse is found against the contractual employee, a show cause notice must be issued and after considering the reply, a reasoned order is to be passed.

6. It is further contended that although a show cause notice was issued and the petitioner submitted his reply, the impugned order does not consider or deal with the said reply. It is also submitted that the petitioner has been diligent in discharging his duties and has not committed any misconduct.

7. Per contra, Sri R.S. Umrao, learned Standing Counsel, and Sri Pradeep Singh, learned counsel for the Gram Sabha submit that the matter was considered by the Administrative Committee after issuance of notice and submission of reply and thereafter the impugned order was passed.

8. I have heard learned counsel for the parties and perused the record carefully.

9. It is not in dispute that the petitioner was engaged on the post of Panchayat Assistant/Accountant cum Data Entry Operator under the Panchayat Raj Department on 01.10.2021. Clause 10(vii) of the Government Order dated 25.07.2025 provides that the engagement shall be contractual for one year, subject to renewal on evaluation by the prescribed committee upto a maximum period as stipulated therein.

10. Further, Clause 16 of the Government Order 25.7.2025 stipulates that in case of misconduct or any adverse material against the contractual appointee, a notice is required to be issued, and after considering the reply, the Gram Panchayat is to pass a resolution regarding continuation or termination. Clause 16 of the Government order 25.7.2025 reads as under:-

"16. पंचायत सहायक/एकाउण्टेन्ट-कम-डाटा इन्ट्री आपरेटर के विरुद्ध कार्यवाही:-

पंचायत सहायक/एकाउण्टेन्ट-कम-डाटा इन्ट्री आपरेटर पर प्रशासकीय नियंत्रण पूर्णतः संबंधित ग्राम पंचायत का होगा। पंचायत सहायक/एकाउण्टेन्ट-कम-डाटा इन्ट्री आपरेटर का कार्य व आचरण संतोषजनक न होने की दशा में उसके विरुद्ध कार्यवाही करने का अधिकार ग्राम पंचायत में निहित होगा। पंचायत सहायक/एकाउण्टेन्ट-कम-डाटा इन्ट्री आपरेटर को कारण बताओ सूचना दिए जाने तथा यदि कोई उत्तर उसके द्वारा दिया गया हो तो उस पर विचार करने के उपरान्त ग्राम पंचायत कुल सदस्यों की संख्या के दो-तिहाई बहुमत से उसके साथ की गयी संविदा को एक माह की नोटिस अथवा उसके स्थान पर एक माह का मानदेय देकर निरस्त कर सकेगी। इस संबंध में ग्राम पंचायत का निर्णय अन्तिम होगा और इस प्रकार हटाये गये पंचायत सहायक/एकाउण्टेन्ट-कम-डाटा इन्ट्री आपरेटर को पुनः इस रूप में कार्य करने नहीं दिया जायेगा। पंचायत सहायक/एकाउण्टेन्ट-कम-डाटा इन्ट्री आपरेटर द्वारा सचिव, ग्राम पंचायत के सामान्य निर्देशन में काम किया जायेगा। पंचायत सहायक/एकाउण्टेन्ट-कम- डाटा इन्ट्री आपरेटर द्वारा समय-समय पर ग्राम पंचायत से उसे सौंपे गए अन्य कार्य भी सम्पादित किये जायेंगे।"

11. The instructions dated 10.02.2026 reveals that a meeting of the Gram Panchayat was convened on 18.06.2025 wherein it was proposed that a notice be issued to the petitioner. A notice was issued and the petitioner submitted his reply. Thereafter, another notice was issued on 16.07.2025 and ultimately the impugned order dated 25.10.2025 came to be passed.

12. However, a perusal of the impugned order dated 25.10.2025 shows that it does not record or consider the reply submitted by the petitioner to the show cause notice. Once a notice is issued and a reply is submitted, it is incumbent upon the authority to consider the defence taken by the affected party and assign reasons as to why the explanation is not acceptable. A non-speaking order, which does not deal with the reply, cannot be sustained. Since the impugned order does not advert to the reply submitted by the petitioner and does not assign reasons, it suffers from non-application of mind and violation of principles of natural justice.

13. Accordingly, the writ petition is ***disposed of*** in the following terms:

A. The order dated 25.10.2025 passed by the respondent no. 6/Village

Development Officer(Sachiv Gram Panchayat), Jigna, Block Jamalpur, District Mirzapur, is hereby set aside.

B. The matter is remanded to respondent no. 6 to pass a fresh reasoned and speaking order, strictly in accordance with law, after considering the reply submitted by the petitioner, within a period of six months from the date of production of a certified copy of this order.

14. It is clarified that this Court has not expressed any opinion on the merits of the case. The continuance of the writ petitioner shall be subject to fresh order passed post remand.

(Vikas Budhwar,J.)

February 12, 2026

Sushma