



2026:AHC:30163

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 2054 of 2026

Ram Nayan

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anand Pal Singh, Harish Chandra Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri H.C. Singh and Sri A.P. Singh, learned counsels for the writ petitioner and Sri Brijesh Kumar Srivastava, learned Standing Counsel for the State.

2. Sri Brijesh Kumar Srivastava, learned Standing Counsel has made a statement that he is well equipped with the instructions and is in a position to argue the case. He does not propose to file any counter affidavit and he further submits that the writ petition be decided on the basis of the documents available on record.

3. With the consent of the parties, the writ petition is being decided at the fresh stage.

4. The case of the writ petitioner is that he was appointed as Home Guard in Maharajganj, however, owing to lodging of a criminal case being Case Crime No.28 of 2020, under Section 419, 420, 467, 468, 471 IPC, the writ petitioner was issued a show cause notice, to which the writ petitioner tendered his reply and thereafter his services stood dispensed with, and his appointment was cancelled on 11.11.2025 by the District Commandant (Home Guards), Maharajganj against which the writ petitioner preferred an appeal before the Divisional Commandant (Home Guards) Gorakhpur Division, Gorakhpur, which was rejected on 24.01.2026.

5. Questioning both the orders, present petition has been preferred.

6. Learned counsel for the writ petitioner has sought to argue that the classification of the offences wherein the punishment is for a period of 7

years and above being Clauses-5, 6 and 8 of the Government Order dated 18.08.2023 was subject matter of challenge in **Writ A No. 16186 of 2024, Mahesh Singh versus the State of UP**, decided on 21.8.2025, wherein the said clauses were held to be ultra vires. Submission is that the writ petitioner cannot be denuded of its employment in this regard.

7. Learned Standing Counsel on the other hand submits that the order dated 24.01.2026 passed by the District Commandant (Home Guards), Gorakhpur Division, Gorakhpur does provide that the writ petitioner has a further remedy of preferring an appeal before the Deputy Commandant General (Home Guards), Eastern Region, Prayagraj and once an appeal is preferred by the said authority, then the appeal shall be decided strictly in view of the law laid down in **Mahesh Singh (supra)**.

8. Considering the submissions so made across the Bar and bearing in mind that the petitioner has the remedy to appeal, which is apparent from the order dated 24.01.2026, the writ petition stands **disposed of** leaving it open to the writ petitioner to prefer an appeal to the Deputy Commandant General (Home Guards), Eastern Region, Prayagraj by 27.02.2026, who on the said motion shall proceed to consider the claim of the writ petitioner strictly in accordance with law by 15.04.2026 bearing in mind the judgment in **Mahesh Singh (supra)**.

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

February 11, 2026

N.S.Rathour

(Vikas Budhwar,J.)