



2026:AHC:35303

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 1192 of 2026

Ram Brejesh

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Durga Tiwari
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Ms. Durga Tiwari, learned counsel for the petitioner and Sri Gaya Prasad, learned Standing Counsel, who appears for State-respondents.

2. Instructions have been supplied by Sri Gaya Prasad, learned Standing Counsel, submits that he is well equipped with the instructions and the instructions are self-sufficient for disposal of the writ petition and he does not propose to file any further affidavit and the petition be decided on the basis of the documents available on record, thus with the consent of the parties, writ petition is being decided at the fresh stage.

3. The case of the writ petitioner is that he was appointed on the post of Seasonal Collection Peon in Tehsil Bah District Agra on 02.01.1996, however, on 13.10.2025, without any notice or opportunity, an order came to be passed by Sub-Divisional Officer, Agra dispensing with the services of the writ petitioner.

4. Questioning the same, the writ petitioner has been filed the present writ petition.

5. Post passing of the order dated 30.01.2026, today instructions have been forwarded under the signature of Sub-Divisional Officer, Agra dated 13.02.2026 which is taken on record and marked as Appendix A.

6. Learned counsel for the writ petitioner has submitted that the order impugned cannot be sustained even for the simple reason that as per the writ petitioner, he is working since 02.01.1996 as Seasonal Collection Peon but the writ petitioner's service could not have been dispensed with in the

manner in which it has been done, merely on the allegation that the testimonials and the educational certificates are suspicious. Submission is that in case there was any advance input against the writ petitioner then the writ petitioner ought to have been put to notice and heard in that regard.

7. Sri Gaya Prasad, learned Standing Counsel on the other hand submits that as per the instructions, para-6 speaks about the fact that the induction of the writ petitioner as Seasonal Collection Peon was on 03.09.1991 and he was under age on the date of his induction. He submits that since the writ petitioner was not suitable on the date of the induction thus his services has been dispensed with.

8. I have heard learned counsel for the parties and gone through the records carefully.

9. Facts are not in issue. It is not in issue that the writ petitioner was engaged as Seasonal Collection Peon though the writ petitioner in para-3 of the writ petition submits that he was inducted on 02.01.1996, however, according to the respondents as per the instructions he was inducted on 03.08.1991. In the order impugned, it has been recited that the testimonials and the educational qualifications of the writ petitioner were suspicious and there was no clarity in that regard, however, as per the instructions, the deficiency found was that the writ petitioner was under age on the date of his induction.

10. On a pointed being raised to the learned counsel for the writ petitioner whether in view of the fact that the writ petitioner is serving for long span of period whether the writ petitioner was put to notice, the answer is in negative.

11. However, learned Standing Counsel submits that the writ petitioner shall be heard and orders be passed.

12. To such a submission, learned counsel for the petitioner has no objection and he gracefully accepts the same.

13. Considering the submissions of the rival parties as well as stand taken by them, the writ petition is being **disposed off** granting liberty to the writ petitioner to prefer a comprehensive representation along with the self-attested copy of the writ petition before the second respondent, District Magistrate, Agra who shall on the receipt of the same by 13.03.2026 proceed to decide the claim of the petitioner strictly in accordance with law within a

period of two months from the date of presentation of the certified copy of the order.

14. In case, any advance inputs have been injected while passing the order impugned, the writ petitioner shall be provided the same and be given opportunity to recall the same.

15. The order dated 13.10.2025 shall abide by the final orders to be passed.

16. Accordingly, the writ petition stands **disposed of**.

February 17, 2026

Ashu

(Vikas Budhwar,J.)