



2026:AHC:46100

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 2187 of 2026

Devendra Kumar Tiwari

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Satya Prakash Pandey
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Satya Prakash Pandey, learned counsel for the writ petitioner and Sri Jitendra Prasad, learned Standing Counsel for the State.
2. This Court entertained the writ petition on 13.02.2026, pursuant whereto instructions have been produced.
3. The case of the writ petitioner is that the writ petitioner while posted as Platoon Commandant in B Company of 28 Battalion, PAC Azamgarh was deputed for Mahakumbh 2025 at Prayagraj. As per the writ petitioner, he was made a supervisor / president of a Mess from 16.12.2024 to 15.01.2025 at Prayagraj Unit of 20th Battalion PAC Azamgarh. Regarding the quality of the food so provided, the writ petitioner raised objections. Pursuant whereto, a direction was issued for conducting inquiry by the Commandant, however, according to the writ petitioner, he has been made a scapegoat and now, a show cause notice has been issued by the Commandant, 20th Battalion, PAC Azamgarh on 13.01.2026, show causing the writ petitioner enclosing therewith the preliminary inquiry report as to why action be not taken against the writ petitioner.
4. Questioning the show cause notice, the present writ petition has been preferred.
5. Learned counsel for the writ petitioner has sought to argue that first of all, the issuance of show cause notice itself is per se illegal, particularly when the writ petitioner was a whistleblower however he has been made a scapegoat. Submission is that first of all, the writ petitioner complained about the quality of the food so provided as a President of the Mess and thus,

the same cannot partake the character of misconduct so issued in terms of the Rule 4(1) of the U.P. Police Officer 1991 Rules.

5. Learned Standing Counsel on the other hand submits that no prejudice has been caused, as only show cause notice has been issued and whatever the writ petitioner seeks to set forth, as his contentions, they can very well be raised while replying to the show cause notice.

6. I have heard the submissions so made across the Bar and perused the record.

7. Apparently, a show cause notice has been issued. It is not a case that the show cause notice had been issued by the authority, which was not competent to issue show cause notice. Moreover, it is for the writ petitioner to respond to the show cause notice and in case, contentions are raised in reply to the show cause notice, then this Court has no reason to disbelieve that the said contentions would be considered in correct perspective.

8. With the aforesaid observations, the writ petition stands disposed of.

9. At this stage, learned counsel for the writ petitioner submits that the writ petitioner shall tender reply, however, the time has lapsed.

10. According to Sri Jitendra Prasad, learned Standing Counsel, in case, the writ petitioner tendered his reply by 13.03.2026, the same shall be considered with most expedition.

11. Instructions filed today are taken on record and marked as Appendix 'B'.

February 27, 2026

N.S.Rathour

(Vikas Budhwar,J.)