



2026:AHC:35833

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 2393 of 2026

Jitendra Kumar

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Kapil Dev Dubey, Pratikdhar Dwivedi, Rahul Kumar
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Kapil Dubey, learned counsel for the writ petitioner and Sri Manish Kumar, learned Standing Counsel for the State.
2. The case of the writ petitioner is that he was appointed on the post of Home Guard, however, owing to lodging of a criminal case being Case Crime No. 33 of 2007 under Sections 171, 386, 420 IPC and submission of a charge sheet dated 23.01.2007, a show cause notice came to be issued to the writ petitioner on 16.09.2025 to which the writ petitioner submitted his reply on 27.09.2025 and thereafter, now, the order impugned has been passed whereby the writ petitioner has been restrained from performing duty parade on 20.11.2025.
3. Questioning the said order, the present writ petition has been preferred.
4. Learned counsel for the writ petitioner has sought to argue that the distinction so sought to be carved out for the offences wherein punishment is below 7 years and 7 years above by virtue of the Government Order dated 18.08.2023 came up for consideration in **Mahesh Singh Vs. State of U.P.: Writ A No. 16186 of 2024** decided on 26.09.2025 and this Court had declared clauses 5, 6 and 8 is ultra vires.
5. Learned Standing Counsel, on the other hand, submits that against the said order, an appeal would be maintainable before the appellate authority and the matter would be considered in that regard.
6. Considering the submission so made across the bar, the writ petition stands **disposed of** directing the writ petitioner to prefer an appeal before the

Regional Commandant by **27.02.2026** and on the said motion, the appellate authority shall decide the appeal of the writ petitioner bearing in mind the judgment in **Mahesh Singh (supra)** and pass orders by **31.03.2026**.

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

February 18, 2026
Rajesh

(Vikas Budhwar,J.)