



2025:0004-1 K03:298510

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 14449 of 2025

Aman Dhama

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy., Secy. Home Deptt.
Lko. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Kavita Mishra, Aruna Kumari, Aseem Misra, Shahid Salam
Counsel for Respondent(s)	: C.S.C.

Court No. - 7

HON'BLE MANISH MATHUR, J.

1. Heard Mr. Asim Mishra learned counsel for petitioner and learned State Counsel for opposite parties.
2. Petition has been filed challenging order dated 20th November 2025 rejecting petitioner's representation for appointment on the post of Assistant Radio Officer.
3. Learned counsel for petitioner has adverted to the impugned order to submit that petitioner's selection on the said post has been cancelled on account of allegations levelled against him of having taken recourse to unfair means in the examination. It is, however, submitted that a bare perusal of impugned order will make it evident that the defence raised by petitioner in his reply to the show cause notice has been completely ignored only on the ground that it was not satisfactory. It is also submitted that the entire burden of proof has been shifted upon petitioner without any relevant documents being produced in the inquiry proceedings to corroborate the allegations levelled against him. It is also submitted that the forensic report was also not provided to petitioner.
4. Learned State Counsel has refuted submissions advanced by learned counsel for petitioner with the submission that the impugned order clearly indicates that it has been passed on the basis of

forensic report clearly indicating that petitioner obtained marks by adopting unfair means. It is also submitted that ample opportunity to defend was granted to petitioner who was also provided an opportunity of hearing.

5. Upon consideration of submissions advanced by learned counsel for parties and perusal of material on record and particularly the impugned order, a perusal of paragraph 4 thereof is indicative that forensic report forms basis for establishing allegation levelled against petitioner of adopting unfair means for purposes of selection for the said post. It also appears that a notice was issued to petitioner on 5th February 2025 and 25th February 2025 to which a reply was submitted by petitioner on 26th February 2025. However the same has been rejected indicating that it was unsatisfactory. Burden has also been placed squarely upon petitioner to disprove allegations levelled against him. Order does not also indicate that a copy of the forensic report was ever supplied to petitioner.

6. The aforesaid factors clearly indicate violation of principles of natural justice with regard to action taken against petitioner.

7. In the considered opinion of this court, once the aforesaid proceedings had taken place by issuance of show cause notice, it was incumbent upon the opposite parties to have considered reply submitted by petitioner and to have reached a subjective satisfaction as to how it was unsatisfactory. It was also incumbent upon the opposite parties to have provided a copy of forensic report to petitioner to disprove allegations levelled against him. Such a procedure having not been followed vitiates the impugned order dated 20th November, 2025 which is hereby quashed by issuance of writ in the nature of Certiorari granting liberty to opposite parties to conduct proceedings afresh from the stage of issuance of show cause notice. The opposite parties are directed to provide a copy of the forensic report to petitioner in order to enable him to provide a reply to the show cause notice. The defence taken by petitioner shall be considered by the opposite parties who shall provide opportunity of hearing to petitioner prior to passing a fresh order.

8. Resultantly the petition succeeds and is allowed at the admission stage itself. Parties to bear their own costs.

(Manish Mathur,J.)

December 17, 2025

prabhat