2026:AHC:207646

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 10654 of 2026

Rohit Singh

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Shashi Bhushan Mishra
Counsel for Respondent(s)	:	Mahesh Narayan Mishra, C.S.C.

Court No. - 32

HON'BLE DINESH PATHAK, J.

1. Heard learned ounsel for the petitioner; Shri Mahesh Narayan Mishra, counsel appearing for the respondent Nos. 3 and 4; learned Standing Counsel appearing for the State-respondent Nos. 1 and 2, and perused the record on board.

2. Instant petition has been filed, inter alia, seeking the following reliefs:

> *"(i) a writ, order or direction in the nature of CERTIORARI to quash the impugned orders dated 23.5.2026 and 13.6.2026 passed by respondent no.3.*
>
> *(ii) a writ, order or direction in the nature of MANDAMUS commanding and directing the respondents authorities to reinstate the petitioner in service on the post of Ankik in the Cooperative Society with all consequential benefits.*
>
> *(iii) a writ, order or direction in the nature of MANDAMUS commanding and directing the respondents authorities for the payment of full back wages and emoluments from the date of wrongful termination to the date of actual reinstatement."*

3. While entertaining the instant writ petition, this Court passed the following order dated 20.08.2026:-

> *"1. The petitioner has raised grievance regarding the termination of his services.*
>
> *2. Learned counsel for the petitioner submits that the services of the petitioner have been terminated twice; firstly, by the order dated 23.05.2026 (Annexure-4) and, secondly, by the order dated 13.06.2026*

(Annexure-7). It is further submitted that the termination order has been passed against the petitioner without issuing any memo of charges, without affording him any opportunity of hearing as well as oral enquiry.

3. Prima facie, perusal of the orders dated 23.05.2026 and 13.06.2026 reveals that neither the case of the petitioner has been considered nor any opportunity has been afforded to him before passing the termination orders. It is also a matter of surprise as to how the services of the same person could have been terminated twice.

4. Having considered the peculiar facts and circumstances of the present case, wherein the principles of natural justice and fair play appears to have been violated, this Court proceeds to entertain the present writ petition on merits.

5. Shri Mahesh Narayan Mishra, learned counsel appearing on behalf of respondent no.4, prays for and is granted three weeks' time to verify the fact from the authority concerned as to on which date memo of charges was served upon the petitioner and who was appointed as the enquiry officer. He shall also ascertain and apprise the court as to when and in what manner an opportunity of personal hearing was afforded to the petitioner.

6. Put up this matter again as fresh on 09.09.2026."

4. Pursuant to the aforesaid order dated 20.08.2026, learned counsel for the respondent Nos. 3 and 4 placed before the Court today a copy of the instructions which is taken on record. He submits, on the basis of the instructions, that neither any disciplinary proceedings were initiated against the petitioner nor any charge sheet was served upon him. He also does not dispute that before passing of the impugned termination orders, no opportunity of hearing was afforded to the petitioner.

5. In view of the admission made by the contesting-respondent Nos. 3 and 4, the instant petition deserves to be allowed and the impugned orders are liable to be quashed.

6. Resultantly, the instant writ petition succeeds and is, accordingly, allowed. The impugned order dated 23.05.2026 (Annexure No. 4) and the order dated 13.06.2026 (Annexure No. 7) are hereby quashed.

7. It is clarified that the petitioner shall be reinstated in service forthwith with continuity of service and shall be entitled to such back wages and

consequential service benefits as may be admissible in accordance with law.

October 5, 2026
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(Dinesh Pathak,J.)

Digitally signed by :-
VINAY KUMAR
High Court of Judicature at Allahabad