2026:AHC:209551

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 16487 of 2026

Mohd Ashraf Khan

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Javed Khan, Subuhi Naseem
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE MANISH KUMAR NIGAM, J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for the respondent-State and perused the record.

2. Learned counsel for the petitioner submits that allegation against the petitioner is relating to gratification/corruption. The petitioner has been subjected to disciplinary proceedings as well as criminal prosecution on the same charges.

3. In case of **Bharar Lal v. State of U.P. and others; 2022 (1) ADJ 374**, disposed of by order dated 14.07.2021, this Court has held as under:-

> *"Learned Standing Counsel states that the issues on facts raised by the petitioner can more appropriately be examined by the disciplinary authority, at the first instance.*
>
> *The question as to whether evidence to be relied upon in both the proceedings are identical, or whether petitioner would be prejudiced, in any manner, by holding of simultaneous proceedings, in view of the tests laid down by the Apex Court in Capt. M. Paul Anthony (supra) and State Bank of India (supra) can more appropriately be examined by the disciplinary authority.*
>
> *Writ petition is, accordingly, disposed of with a direction upon the respondent no.3/the Superintendent of Police, District Chitrakoot to examine petitioner's grievance, as noticed above, keeping in view the observations made by the Apex Court in Capt. M. Paul Anthony (supra)*

and State Bank of India (supra) and this Court in Dhirendra Kumar Tiwari (supra), within a period of three months from the date of presentation of a copy of this order."

4. Without entering into merit of this case, since there is a disciplinary proceeding against the petitioner and a First Information Report is also lodged against him, this petition is disposed of in terms of order passed in writ petition bearing **Writ-A No. 7515 of 2021**.

5. The respondents will take a decision in terms of judgments passed by Supreme Court in **M. Paul Anthony vs. Bharat Gold Mines Ltd. and another, (1999)3 SCC 679** and **State Bank of India vs. R.B. Sharma, (2004)7 SCC 27, Keshvendra Dwivedi Vs. State Of U.P. And 3 Others** passed in **Writ-A No. 12210 of 2025,** decided on 23.8.2025 and by this Court in **Writ-A No. 7515 of 2021** within a period of **six weeks** from today, whether in the given set of circumstances, they will opt to continue or not to continue disciplinary proceedings in pending investigation and will communicate to petitioner.

(Manish Kumar Nigam,J.)

October 7, 2026
Ved Prakash

Digitally signed by :-
VED PRAKASH SHARMA
High Court of Judicature at Allahabad