2026:AHC:231385

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 18561 of 2026

Yogesh Kumar

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Shailja Kant Tripathi
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE MANISH KUMAR NIGAM, J.

1. Heard learned counsel for the petitioner as well as learned Standing Counsel.

2. Petitioner, who has directly applied for the post of Sub Inspector, was only paid stipend during the training period, whereas, the candidates who had been in police force and had also applied for direct selection as Sub Inspector, were given salary during the training period as Sub Inspector.

3. Learned counsel for the petitioner has argued that this controversy of discrimination meted out to such Sub Inspectors has come to be addressed to and resolved by a Division Bench of this Court in **Alok Kumar Singh & 5 Ors v. State of U.P. & Ors** being **Special Appeal No. 169 of 2020 decided on 08.09.2021**. The said judgment had been unsuccessfully appealed against before the Supreme Court as **Special Leave to Appeal (C) No. 798 of 2022** was dismissed *in lemini* on 04.02.2022. He has drawn the attention of the Court to the relevant paragraph of the Division Bench judgment which is reproduced hereunder:

> "The perusal of the circular does not make distinction between direct recruitment and promotion by limited department examination to the post of Sub-Inspector. Para 3

> of the circular of 1979 makes it clear that many candidates apply for the post of Sub-Inspector by direct recruitment and when they are selected, tender resignation. It was clarified that resignation is not required to be accepted rather the candidate should be sent on training so that they may get the benefit of leave salary. The circular of 1979 makes it clear that the period of training would be treated to be towards the leave to the extent it is available in the credit of the employee.
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> Learned Single Judge, however, decided the writ petition on the premises different than required to be considered. It is no doubt that the appointment on the post of Sub-Inspector was to be given after successful completion of training but for that reason alone, the circular of year 1965, as clarified in the year 1979, could not have been ignored. It is more so when the Apex Court has directed to extend the similar benefit to the appointee on the post of Sub-Inspector though it was out of the limited department examination but the respondents having not made any difference in the direct recruitment and limited department examination, the petitioner appellants should have been extended the benefit of the circular of 1965 and 1979."

4. Learned Standing Counsel could not meet the argument as far as Division Bench judgment is concerned but submitted that the petitioner may be directed to approach the authority concerned by making representation which may be further be directed to be disposed of by the authority concerned in accordance with law.

5. In the given facts and circumstances this petition stands **disposed of** with direction to the petitioner to move representation in this regard before the respondent concerned within a period of four weeks from today and in the event any such representation is made the respondent concerned is directed to consider and dispose of the same strictly in accordance with law within a further period of two months by means of a reasoned and speaking order.

6. Needless to add that the order to be passed by the competent authority, as directed herein above, shall be reasoned and speaking one.

(Manish Kumar Nigam,J.)

November 5, 2026
Prashant D.

Digitally signed by :-
PRASHANT DWIVEDI
High Court of Judicature at Allahabad