2025:AHC:229265

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 19299 of 2025

Praveen Kumar

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Mayank Pratap Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 34

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri B.B. Jauhari (AoR No.A/B0109/2012) holding brief of Sri Mayank Pratap Singh, learned counsel for the writ petitioner and Sri R.S. Umrao, learned Standing Counsel for the State.

2. Sri R.S. Umrao has made a statement at Bar that he is well equipped with the instructions and does not propose to file any affidavit and the writ petition be decided on the basis of the documents available on record.

3. With the consent of the parties, the writ petition is being decided at the fresh stage.

4. The case of the writ petitioner is that the writ petitioner had applied for the post of Assistant Operator pursuant to the Advertisement dated 06.01.2022. According to the writ petitioner, he came to be selected and his name was at Sl. no.74, however, owing to lodging of the FIR no.361 of 2022, under Sections 406, 420, 467, 468, 471, 506 IPC, the writ petitioner has not been accorded appointment and joining.

5. Prayer in the present writ petition is for a direction to the respondents to consider the claim of the writ petitioner of appointment and joining.

6. Learned counsel for the writ petitioner has relied upon the judgment of the Hon'ble Apex Court in the case of ***Avatar Singh vs. Union of India*** **(2016) 8 SCC 471** and ***Ravindra Kumar vs. State of U.P.,*** **Civil Appeal No.5902 of 2012**, decided on 22.02.2024 so as to contend that an independent application of mind is to be resorted to by the Appointing Authority bearing in mind that the Government Order dated 21.05.1958 does not in any manner

whatsoever, *ipso facto* denude the selection and appointment on the ground of conviction. He further submits that there happens to be a recommendation of the District Magistrate dated 30.10.2025.

7. Learned Standing Counsel on the other hand submits that whatever might be, the case of the writ petitioner needs examination at the first instance by Respondent no.2.

8. Considering the submissions so made across the Bar, the writ petition stands **disposed of** directing the writ petitioner to prefer a comprehensive representation along with self attested copy of the writ petition and the certified copy of the order before Respondent no.2, who on the said motion shall proceed to consider the claim of the writ petitioner strictly in accordance with law within a period of two months, from the date of production of certified copy of the order.

9. Instructions filed today are taken on record an marked as Appendix 'A'.

December 19, 2025
N.S.Rathour

(Vikas Budhwar,J.)

Digitally signed by :-
NIPENDRA SINGH RATHOUR
High Court of Judicature at Allahabad