

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No.288 of 2023

Shri M. Isaac, aged about 61 years old, S/O (L) M. Wungnaoshing of Sorbung Village, P.O. and PS. Phungyar, Ukhrul District, Kamjong-795 145, Manipur.

...Petitioner

-Versus-

1. The State of Manipur through the Additional Chief Secretary/ Principal Secretary/ Commissioner (TA and Hills), Government of Manipur, Old Secretariat, Babupara, P.O. and P.S. Imphal, Imphal West District, Manipur-795001.
2. The Deputy Secretary (TA & Hills), Government of Manipur, Old Secretariat, Babupara, P.O. and P.S. Imphal, Imphal West District, Manipur-795001.
3. The Ukhrul Autonomous District Council, Ukhrul through its Chief Executive Officer, Phungreitang Ukhrul, P.O. and P.S. Ukhrul, Ukhrul District-795 142, Manipur.
4. Shri Mark Luithing, Member, Ukhrul Autonomous District Council now allowing to hold the charge of Caretaker Chairman of Ukhrul Autonomous District Council, C/O Chief Executive Officer, Ukhrul Autonomous District Council, Manipur.

...Respondents

For the Petitioner	::	Mr. HS Paonam, Sr. Adv. Mr. N. Bipin, Adv.
For the Respondents	::	Mr. M. Devananda, Addl. AG for R- 1 to 3; Mr. Kh. Tarunkumar, Sr. Adv. for R-4.
Date of Hearing and reserving Judgment & Order	::	07.07.2023
Date of Judgment & Order	::	08.08.2023

JUDGMENT AND ORDER
(CAV)

This writ petition has been filed by the petitioner to quash the impugned order dated 27.3.2023 passed by the second respondent, thereby allowing the fourth respondent to function as Caretaker Chairman under the Autonomous District Council, Ukhrul and to direct the respondents to allow the petitioner to function as Caretaker Chairman of the Autonomous District Council, Ukhrul as mandated by the Manipur (Hill Areas) District Councils Act, 1971 and the Rules framed thereunder.

2. The case of the petitioner is as follows:

The Autonomous District Council, Ukhrul, had its general election in the year 2015 and 24 persons, including the petitioner, were declared as elected members against the 24 constituencies within the jurisdiction of Ukhrul Autonomous District

Council, Ukhrul and the same was notified on 17.6.2015. Following the constitution of a new Council, one Dr. Yaronsho Ngalung from Ringui Village was elected as Chairman and the petitioner was elected as Vice Chairman of the Ukhrul Autonomous District Council and thereafter started its function to carryout its public duty as required and expected from such an institution. The term of the office of the members shall be 5 years. The first election of six Autonomous District Councils was held on 1.6.2015 and the term of the office members expired in the month of June, 2020.

2.1. After the expiry of the term of five years of all six Autonomous District Councils, the Hill Areas Committee has recommended the extension of the term of the office of all six for a period of six months and, vide order dated 19.3.2020, the period of six months with effect from 1.6.2020 was extended. In the said order, it has been mentioned that the election of Autonomous District Councils shall be held in the intervening month of October and November, 2020. After the completion of six months term of the office of members, the Additional Chief Secretary (TA & Hills), Government of Manipur under its office order dated 30.11.2020 was pleased to issue an order appointing the Deputy Commissioners to exercise all the powers and perform duties conferred and imposed upon the Council under the Act or any other law for the time being

in force for smooth functioning of the administration of the Autonomous District Councils.

2.2. Aggrieved by the aforesaid decision dated 30.11.2020, W.P.(C) No.613 of 2020 and other connected writ petitions came to be filed and, by the order dated 2.3.2021, the said writ petitions were disposed of with certain directions. In compliance of the order passed in the said writ petitions and, in supersession of the previous Government Order dated 30.11.2020, an order dated 17.5.2021 came to be issued whereby appointing all the existing Chairman of the Autonomous District Councils to serve as Caretaker Chairman for smooth functioning of the administration till the elections are held. Following the said order so issued by the competent authority which allowed the former Chairman of all the Autonomous District Councils including the Ukhul Autonomous District Council, Ukhul to continue in their respective capacity till the election of Autonomous District Councils are held, functional activities of the Councils including taking of development works has started and keeping in view of first approaching election for the new term since their performance will be the determining factor on their respective constituency for re-election.

2.3. The former Chairman Dr. Yaronsho Ngalung has tendered resignation from the office of the Caretaker Chairman, Ukhrul Autonomous District Council by submitting his resignation letter dated 6.6.2022 and the same was accepted on 27.6.2022. Thereafter, the Special Secretary (TA & Hills) under order dated 4.8.2022 cancelled the order dated 17.5.2021 and also stated in the said order that the Caretaker Chairman system under the Autonomous District Councils has also discontinued with an immediate effect. Aggrieved by the order dated 4.8.2022, one Namsinrei Panmei, former Caretaker Chairman has filed W.P.(C) No.632 of 2022 with a prayer for holding the election for constitution of new Autonomous District Councils. By the order dated 19.1.2023, the said writ petition was disposed of by this Court. In compliance of the order dated 19.1.2023, the Tribal Affairs and Hills Department was pleased to issue an order dated 14.3.2023 thereby allowing the last constituted Caretaker Chairman of the Autonomous District Councils to function as Caretaker Chairman till the issuance of notifications for the election of Autonomous District Councils, Manipur. On 27.3.2023, the Deputy Secretary (TA & Hills), Government of Manipur issued the impugned order by which a former member namely Mark Luithing, the fourth respondent, was directed to function as Caretaker Chairman of the Autonomous

District Council, Ukhrul till the issuance of the notification for the election. Challenging the same, the petitioner has filed the present writ petition.

3. Resisting the writ petition, the second respondent filed affidavit-in-opposition stating that in consideration of the recommendation of the State Executive Committee, Relief and Disaster Management Department and to augment the efforts in controlling the Covid pandemic locally and the grassroot democratic systems are functional at such critical juncture, the Government appointed the last constituted Chairman of the Autonomous District Councils as Caretaker Chairman as an interim measure till the election of the Autonomous District Councils are held. It is stated that the Manipur (Hill Areas) District Councils Act and Rules do not provide for constitution of Caretaker Chairman in the District Councils. As such, the Caretaker system was discontinued as per the Cabinet decision dated 21.7.2022. Though the Act and the Rules do not provide for constitution of Caretaker Chairman under the ADCs, the Government vide order dated 14.3.2023 appointed the last constituted Chairman of ADCs as Caretaker Chairman in compliance of the order of this Court dated 19.1.2023 passed in W.P.(C) No.632 of 2022. Consequent upon the resignation of Dr. Yoransho Ngalung, the office of the Caretaker Chairman, ADC

Ukhrul lays vacant and as an interim measure and as stop gap arrangement, one Mark Luithing, member of the last constituted ADC, Ukhrul was appointed as Caretaker Chairman.

4. The fourth respondent filed affidavit-in-opposition stating that on the day of accepting Dr. Yaronsho Ngalung's resignation from the post of Caretaker Chairman on 27.6.2022, the petitioner was no longer serving as Vice Chairman of the ADC, Ukhrul. The post of Caretaker Chairman fell vacant with effect from 16.6.2022. The term of the ADC, Ukhrul already expired in the month of June, 2020. For the administrative convenience and as per the wisdom of the State Government, the fourth respondent was allowed to function as Caretaker Chairman, ADC, Ukhrul till the issuance of the notification for the election of ADCs, Manipur. There is nothing wrong in the said order. The petitioner is not an aggrieved person to the said order as he remained silent as soon as the office of the Caretaker Chairman of the ADC, Ukhrul became vacant with effect from 16.6.2022. The petitioner is no longer holding the post of Vice Chairman of ADC, Ukhrul after the expiry of its terms.

5. Assailing the impugned order, Mr. HS Paonam, the learned senior counsel for the petitioner submitted that if any

vacancy arose to the office of the Chairman, as mandated by Section 23(1) of the Manipur (Hill Areas) District Council Act, 1971 read with Rule 3 of the Manipur (Hill Areas) District Councils Rules, 1972, the council/elected members of the said Council has to choose another member of the respective Autonomous District Council as Chairman by holding an election by issuing appropriate notification/order by the concerned Deputy Commissioner. The post of Chairman in the Autonomous District Council, Ukhrul is lying vacant since 16.6.2022.

6. Mr. HS Paonam, the learned senior counsel for the petitioner further submitted that as per Rule 9, the Vice Chairman is the only person/member who can perform the duty of the office of the Chairman. But appointing a member as Chairman of Autonomous District Council by issuing the impugned order dated 27.3.2023 is in complete arbitrary exercise of power and is against the mandate of the provisions of the Manipur (Hill Areas) District Council Act, 1971 and the Manipur (Hill Areas) District Councils Rules, 1972.

7. The learned senior counsel for the petitioner urged that the only method of appointment to the post of Chairman of a District Autonomous Council is by way of election in accordance

with the provisions of the Act and the Rules. Under the law, there is no provision conferring or vesting the State Government to appoint any member to the post of Chairman. Therefore, the impugned order is ultra vires, inasmuch as the executive imposition on the affairs of a democratic institution formed by elected members under the Act and the Rules. Thus, a prayer has been made to set aside the impugned order and to allow the petitioner to function as Caretaker Chairman of the Autonomous District Council, Ukhrul.

8. Mr. M. Devananda, the learned Addl. Advocate General appearing for the respondents 1 to 3 submitted that considering the recommendation of the State Executive Committee and to augment the efforts in controlling the Covid-19 situation, the Government appointed the last constituted Chairman of the Autonomous District Councils as Caretaker Chairman as an interim measure till the election of the Autonomous District Councils are held. In compliance with the order of this Court dated 19.1.2023 passed in W.P.(C) No.632 of 2022 etc. batch, the Government vide order dated 14.3.2023 allowed the last constituted Chairman as Caretaker Chairman. As the Caretaker Chairman Dr. Yaronsho Ngalung resigned from the post, the State Government allowed the fourth respondent to function as Caretaker Chairman, ADC, Ukhrul till the issuance of the notification for the election.

9. By placing reliance upon the decision of the Hon'ble Supreme Court in the case of *Basic Education Board, UP v. Upendra Raj and others*, (2008) 3 SCC 432, Mr. M. Devananda, the learned Addl. AG submitted that when the State Government had taken a policy decision to appoint the Caretaker Chairman of the ADC Ukhul, the same cannot be questioned by the petitioner, unless it violates the constitutional or statutory provision. Since the impugned order has been passed in accordance with the provisions of the Act and Rules, the learned Government Advocate prayed for dismissal of the writ petition.

10. Mr. Kh. Tarunkumar, the learned senior counsel for the fourth respondent submitted that though the Caretaker Chairman Dr. Yaronsho Ngalung resigned the post on 16.6.2022, the petitioner has not made any claim to allow him to function as Caretaker Chairman. Only after one year when the State Government allowed the fourth respondent to function as Caretaker Chairman Ukhul, the petitioner has filed the writ petition challenging the same.

11. The learned senior counsel further submitted that since the expiry of the term of the ADC Ukhul, the tenure of the petitioner as Vice Chairman of the ADC Ukhul has not been

extended by any executive order and, as such, the petitioner does not have any right to question the legality of the impugned order dated 27.3.2023 on the ground that the same was issued without following Rule 9. The effect of Rule 9 will operate so long as the members including the petitioner held their office and not after the expiry of their terms. When the order dated 14.3.2023 was issued, the Vice Chairman of ADC Ukhru was not given the benefit of the said order. Therefore, the petitioner does not have right to take the shelter of Rule 9. That apart, the petitioner has no locus to question the legality of the order dated 27.3.2023 and none of the fundamental rights are affected by the impugned order. There is no plea of the petitioner that he is no longer holding the post of Vice Chairman after the expiry of the term. Thus, a prayer has been made to dismiss the writ petition.

12. This Court considered the rival submissions and also perused the materials available on record.

13. The grievance of the petitioner is that valuable right of the petitioner to function and discharge the duty and responsibility of the Chairman as mandated by Rule 9 when the post in question became vacant of the then incumbent Chairman on 16.6.2022 has been sought to be deprived by the impugned order under which a

member who had never been elected either as a Chairman or Vice Chairman of the Autonomous District Council, Ukhrul has been allowed. Hence, the impugned order being an order violating the fundamental and other statutory right of the petitioner is liable to be quashed.

14. On the other hand, it is plea of the official respondents that consequent upon the resignation of Dr. Yoransho Ngalung, the Caretaker Chairman of the ADC, Ukhrul, the office of the Caretaker Chairman, ADC, Ukhrul, became vacant and, as an interim measure and as stop gap arrangement, the fourth respondent, who is member of the last constituted ADC, Ukhrul, was appointed as Caretaker Chairman.

15. The petitioner contended that if the office of the Chairman is lying vacant, the Vice Chairman has to perform the duty of office of the Chairman of such Council as per Rule 9 of the Manipur (Hill Areas) District Councils Rules, 1972. For proper appreciation, Rule 9 is extracted hereunder:

“9. Power of Vice-Chairman or other person to perform the duties of office of or to act as Chairman:

(1) While the office of Chairman is vacant, the duties of the officer shall be performed by the Vice-Chairman.

(2) During the absence of the Chairman from any meeting of the council the Vice-Chairman or if he is also absent, one of the Deputy Chairman, shall act as Chairman in accordance with the provisions of rule 5.”

16. It is no doubt true that the only method of appointment to the post of Chairman of the Autonomous District Council is by way of election in accordance with the provisions of the Manipur (Hill Areas) District Council Act, 1971 and Manipur (Hill Areas) District Councils Rules, 1972.

17. According to the petitioner, there is no provision conferring or vesting the State Government to appoint any member to the post of Chairman and, therefore, the impugned order is liable to be set aside. In view of the aforesaid argument raised by the petitioner, it is necessary to deal with the earlier proceedings initiated by the parties.

18. Upon constitution of the new Autonomous District Council in accordance with the provisions of Section 4 of the Act, Dr. Yaronsho Ngalung from Ringui Village was elected as Chairman of the Autonomous District Council, Ukhrul and the petitioner herein

was elected as Vice Chairman. As per Section 13(1) of the Act, the term of the office of the members shall be 5 years. Since the first election of six ADCs in the State of Manipur was held on 1.6.2015, the term of the office of the members of all the ADCs expired in the month of June, 2020. After the expiry of the term of five years, the Hill Areas Committee has recommended extension of term of office of the all the members of six ADCs for a period of six months. Accordingly, as per the provisions of Section 13(1) of the Act, the Additional Chief Secretary (TA & Hills) issued an order dated 19.3.2020, whereby extending the term of the office of the members for a period of six months with effect from 1.6.2020. In the said order, it has been mentioned that election to the ADCs shall be held in the intervening month of October and November, 2020. Thereafter, the Additional Chief Secretary (TA & Hills) issued an order on 30.11.2020 appointing the Deputy Commissioners to exercise all the powers and perform the duties conferred and upon the Council for smooth functioning of the administration of the ADCs.

19. Aggrieved by the issuance of the order dated 30.11.2020, a batch of writ petitions (W.P.(C) No.613 of 2020 etc.) came to be filed before this Court. This Court, by the order dated

2.3.2021, disposed of the writ petitions with certain directions. The operative portion of the order reads thus:

“[17] For the reasons stated hereinabove, the writ petition being WP(C) No.613 of 2020 stands disposed of with the observation made hereinabove while WP(C) No.645 of 2020 and WP(C) No.647 of 2020 are allowed and consequently, the impugned order dated 30.11.2020 is quashed and set aside with the following directions.

(a)The State Government and in particular, the Additional Chief Secretary (TA & Hills), Government of Manipur shall write a letter to the Hill Areas Committee, Manipur Legislative Assembly seeking its opinion as to whether the term of the District Councils shall be extended or not till the completion of the election and the said letter shall be written within a week from the date of receipt of a copy of this judgment and order;

(b)On receipt of such a letter from the Additional Chief Secretary (TA & Hills), Government of Manipur, the Hill Areas Committee, Manipur Legislative Assembly shall furnish its opinion within a week from the date of receipt of the letter;

(c)After the opinion of the Hill Areas Committee, Manipur Legislative Assembly being duly

received, the State Government shall take a decision and issue an appropriate order immediately in terms thereof.

(d)Till such an order is issued by the State Government as mentioned in the direction (c) above, the interim order dated 27.11.2020 passed by this Court in WP(C) No.613 of 2020 shall continue;

(e)The State Election Commission, Lamphelpat, Manipur is directed to announce the date on which the election of the District Councils shall be held within a week from the date of receipt of a copy of this judgment and order.

There shall be no order as to costs.”

20. In compliance of the order of this Court, on 17.5.2021, the Additional Chief Secretary (TA & Hills) has passed an order appointing all the existing Chairman of the Autonomous District Councils to serve as Caretaker Chairman for smooth functioning of the administration of the Autonomous District Councils till the election of the Autonomous District Councils are held. Accordingly, the respective former Chairmen of the Autonomous District Councils including Autonomous District Council, Ukhrul, continued in their respective capacity and the functional activities are carried out, including the developmental works. While so, the former

Chairman of the Ukhrul Autonomous District Council has tendered his resignation and, by the order dated 27.6.2022, the Deputy Secretary (TA & Hills) ordered Dr. Yaransho Ngalung to demit the office with effect from 16.6.2022. Thereafter, pursuant to the decision of the Cabinet dated 21.7.2022, the order dated 17.5.2021, whereby allowing the former Chairman to function as Caretaker Chairman stands cancelled vide order dated 4.8.2022. Resultantly, the Caretaker Chairman system under ADCs, Manipur discontinued with immediate effect.

21. Aggrieved by the order dated 4.8.2022, a batch of writ petitions (W.P.(C) No.632 of 2022 etc.) came to be filed. This Court, by the order dated 19.1.2023, disposed of the said writ petitions. The operative portion of the order reads thus:

“[14]. Therefore, I am inclined to pass the following orders:

a) The present writ petitions are disposed of.

b) The interim order granted by this Court on 04.11.2022 in writ petitions i.e. WP(C) No.935 of 2022 and subsequently in other writ petitions in WP(C) No.704 of 2022, WP(C) No.880 of 2022 and today in WP(C) No.632 of 2022, WP(C) No.633 of 2022, should continue till the

issuance of the notification for the elections of ULBs and Autonomous District Councils.

[15]. With the above observations, these writ petitions are disposed of.”

22. In compliance of the order of this Court dated 19.1.2023 passed in the aforesaid batch of writ petitions, the second respondent herein issued an order dated 14.03.2022, whereby allowing the last constituted Caretaker Chairman of the Autonomous District Councils concerned to function as Caretaker Chairman till the issuance of the notifications for the election of Autonomous District Councils, Manipur. Stating that the Chairman of Autonomous District Council, Ukhurul resigned, the second respondent allowed the fourth respondent to function as Caretaker Chairman of Autonomous District Council, Ukhurul till the issuance of the notification for election. The said order is now under challenge before this Court.

23. At this juncture, it is pertinent to quote Rule 3 of the Manipur (Hill Areas) District Councils Rules, 1972, which reads thus:

“3. Election of Chairman by Council:

(1)The election of a Chairman shall be held on such date as the Governor may fix and the

Secretary shall send to every member notice of this date.

(2)Before the election of a Chairman the Governor shall appoint a member of the Council who does not intend to contest the election to preside at the meeting.”

24. On a perusal of the provision of Section 23(1) of the Manipur (Hill Areas) District Council Act, 1971, it is seen that when the offices of the Chairman and Vice Chairman become vacant, the elected members of the said Council have to choose another member of the respective Autonomous District Council as Chairman by holding an election by issuing appropriate notification by the concerned Deputy Commissioner.

25. As stated supra, Rule 9 contemplates the manner if the office of the Chairman is lying vacant, the Vice Chairman has to perform the duty of the office of the Chairman of such Council. However, it is the say of the learned Government Advocate that Rule 9 will be attracted while the said Autonomous District Council was in existence. But in the instant case, as the term of the Autonomous District Council, Ukhrul, has already expired in the month of June, 2020 and after the expiry of the extension period,

the petitioner is no longer holding the post of Vice Chairman and, therefore, he cannot seek the aid of Rule 9.

26. The Chairman of the elected members of the Autonomous District Council, Ukhul, Maniour is upto 17.06.2020 and in terms of the provisions, the elected members terms have been extended for a period of one year i.e. from 18.06.2020 to 17.06.2021 and thereafter, they are no longer elected members of the Autonomous District Council, Ukhul. Hence, in terms of the State Policy and in compliance of the order passed by this Court in various writ petitions, the State Government issued the order dated 27.03.2023 allowing the private respondent No. 4 Mr. Mark Luithing to function as Caretaker Chairman under the Autonomous District Council, Ukhul till Notification of the Autonomous District for the election of Autonomous District Councils, Manipur. Therefore, in such order, the petitioner cannot be aggrieved of the order passed by the State Government allowing the private respondents as Caretaker Chairman of the Autonomous District Council, Ukhul.

27. On fair reading of the provisions of Section 13 of the Manipur (Hill Areas) District Council Act, 1971 *“provided that the Administrative may, when satisfied that it is necessary in order to avoid administrative difficulty, extend the term of office of all the*

members by such period not exceeding one year as he thinks fit.”

Therefore, the State Government have taken a policy allowing the 4th Respondent to function as Caretaker Chairman of the Autonomous District Council, Ukhrul till the Notification of the election.

28. Since the terms of the members of the Autonomous District Council, Ukhrul is completed in the year 2020 and extended till 2021 the petitioner is claiming his right to function as Chairman in terms of Section 22 of the Manipur (Hill Areas) District Council Act, 1971 and Rule 9 of the Manipur (Hill Areas) District Councils Rules, 1972 is not applicable in this present case. It is also made clear that the Hon'ble Supreme Court has passed in catena of the cases that the Policy decision taken by the State Government should not be interfered by the Court unless it violates constitutional or statutory provisions, but in this present case, Act and Rules was silent for appointment as caretaker in Chairman and Vice Chairman in the Autonomous District Council after the completion of the terms period of the members. In the case of ***Basic Education Board, U.P. vs. Upendra Rai and Others*** reported in ***(2008) 3 SCC 432*** in paragraph 15, the Hon'ble Supreme Court held that “*Grant of equivalence and/or revocation of equivalence is an administrative decision which is in the sole discretion of the authority concerned*

and the court has nothing to do with such matters. The matter of equivalence is directed by experts appointed by the Government and the court does not have expertise in such matters. Hence, it should exercise judicial restraint and not interfere in it.”

29. The petitioner was also members of the Autonomous District Council, Ukhurul in terms of the Election of the Autonomous District Council, Ukhurul but he was never been appointed as Vice Chairman of the ADC, Ukhurul, and the letter issued by the Chief Executive Officer (Autonomous District Council) Ukhurul dated 21.12.2017 is a mere letter communication between the CEO, ADC, Ukhurul and Principal Secretary (TA& Hills), Govt. of Manipur and it cannot be taken that he has been appointed as Vice Chairman, ADC, Ukhurul during the tenure period of the ADC from 2015 to 2020. The petitioner has not produced any documents to prove that he was functioning as Vice Chairman of the ADC, Ukhurul. When he failed to produce any documents to show that he functioned as Vice Chairman of the ADC, Ukhurul, then he has no right to invoke Section 9 of the Manipur (Hill Areas) Councils Rule, 1972. Once the tenure of the elected member of ADC has expired on 30.11.2020, this petitioner cannot claim that he was the member, Vice Chairman of the Autonomous District Council and he may be given the in-charge of the Caretaker Chairman of the Council. Since the question of

appointment of Vice Chairman to the post of Chairman does not arise there was not Vice Chairman at the time of appointment of the Caretaker Chairman. The real effect of Rule 9 will operate as long as terms of the members of the ADC is expired.

30. The Hon'ble Supreme Court in the case of ***Essar Steel Ltd. Vs. Union of India & Ors.*** reported in ***(2016) 11 SCC 1*** has clearly held that executive policies are usually enacted after much deliberation by the Government. Therefore, it would not be appropriate for this Court to question the wisdom of the same, unless it is demonstrated by the aggrieved persons that the said policy has been enacted in an arbitrary, unreasonable or mala fide manner, or that it offends that provisions of the Constitution of India. In the present case, the petitioner has pointed out that rules have been violated and the order dated 27.03.2023 appointing the 4th respondent as Caretaker Chairman was issued in violation of any Act or rules. Therefore, the question of interference of the order dated 27.03.2023 does not arise.

31. It is the absolute view of this Court that the order dated 27.03.2023 appointing the fourth respondent as Caretaker Chairman of the Council was issued by the Government of Manipur

by exercising its power for administrative convenience which is not required to interfere by this Court.

32. Therefore, the petitioner have not made out any case before this Court for interference of the impugned order dated 27.03.2023 and the writ petition challenging the order dated 27.03.2023 is not at all maintainable and devoid of merit and hence, it is liable to be dismissed.

33. Therefore, I am inclined to pass the following orders.

34. In the result,

- i) The writ petition is dismissed.
- ii) MC(WP(C)) No. 125 of 2023 is closed.
- iii) MC(WP(C)) No. 151 of 2023 is allowed.
- iv) MC(WP(C)) No. 152 of 2023 is dismissed.
- v) The interim order granted by this Court dated 03.04.2023 is vacated.
- vi) There is no order as to cost.

ACTING CHIEF JUSTICE

FR/NFR

Sushil