

Court No. - 52

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2021 of 2023

Petitioner :- Rakesh Kumar

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Kamlesh Kumar Singh

Counsel for Respondent :- C.S.C., Bhupendra Kumar Tripathi

Hon'ble Saurabh Srivastava, J.

1. Heard Sri Kamlesh Kumar Singh, learned counsel for petitioner and Sri Vinod Kumar Rai, learned Standing counsel for respondent no. 1 to 4 and Sri Kamlesh Kumar Sharma holding brief of Sri Bhupendra Kumar Tripathi, learned counsel for respondent no. 5.

2. Present petition has been filed seeking following reliefs:

"A. Issue a writ, order or direction in the nature of mandamus directing the authorities concern to remove/transfer the respondent no. 6 namely Arvind Kumar posted as Gram Rojgar Sewak of Gram Panchayat Khojapur, Block-Shahabganj, District-Chandauli in pursuance of circular letter dated 31.10.2022.

B. Issue a writ, order or direction in the nature of mandamus directing the respondent no. 2 to decide the representation dated 20.02.2023 moved by the petitioner, with stipulated period as fixed by this Hon'ble Court."

3. In compliance of the earlier order and direction, learned Standing counsel came up with the specific instructions which is taken on record, through which it has been transpired that the petitioner has already been transferred as Gram Rojgar Sewak from village Kohjapur to village Basadhi vide order dated 29.09.2023 since wife of the petitioner has already been elected as Gram Pradhan of village Khojapur and as per the Government Order dated 23.11.2007 the relative of Gram Pradhan after rendering services as Gram Rojgar Sewak, he/she shall be transferred to nearby village for better utilization of their experiences. Respondent no. 6 has already been transferred in pursuance to the same Government order dated 23.11.2017 and the apprehension of the petitioner that the services of respondent no. 6 has already been came to an end has now been clarified vide order dated 29.09.2023.

4. In view of the aforementioned facts and circumstances, there is hardly any occasion arises in favour of the petitioner to pursue the instant petition since the cause of action as demonstrated by the petitioner rendered infructuous.

5. Writ petition stands ***dismissed as infructuous.***

Order Date :- 27.10.2023

Shaswat