

Court No. - 33

Case :- WRIT - A No. - 17755 of 2023

Petitioner :- Chandra Kesh Yadav

Respondent :- State of U.P. and others

Counsel for Petitioner :- Gulab Chandra Tiwari

Counsel for Respondent :- C.S.C., Hridaya Narayan Mishra

Hon'ble J.J. Munir,J.

A supplementary affidavit has been filed in Court today by Mr. Gulab Chandra Tiwari, learned Counsel for the petitioner. It is taken on record. Let it be numbered by the office.

Heard Mr. Gulab Chandra Tiwari, learned Counsel for the petitioner, Mr. Hridaya Narayan Mishra, learned Counsel appearing on behalf of respondent Nos. 3 and 4, and Mr. Yashwant Singh, learned Standing Counsel appearing on behalf of respondent Nos. 1 and 2.

This is a petition seeking the issue of a writ of *quo warranto* questioning the appointment of the Executive Director, Administration, U.P., Cooperative Federation Limited, Lucknow.

Assuming that the post held by respondent No. 6 is a public office borne on the State exchequer, the grounds on which the appointment is challenged do not show it to be in violation of some statute or the said respondent lacking an essential qualification to be appointed to the said post. The grounds taken are that respondent No. 6, when the Regional Manager was found indulging in fraud, in the procurement of paddy, and that he has been working as the Deputy General Manager (Fertilizer) in P.C.F. Headquarters, since the year 2013-14. The post that he has occupied has enabled him to appoint

contractors in the district as per his wish. It is also urged that he has appointed contractors in some districts without the approval of the Managing Director, all by himself.

The allegations are about the respondent No. 6 apparently committing some kind of service misconduct. That is not a ground on which a writ of *quo warranto* can issue.

There is no force in this petition. It is, accordingly, **dismissed in limine.**

Order Date :- 20.11.2023

I. Batabyal

(J.J. Munir, J.)