

Court No. - 8

Case :- WRIT - A No. - 4051 of 2023

Petitioner :- Krishna Kumar Mishra

Respondent :- State Of U.P. Thru. Prin.Secy. Home And 4 Others

Counsel for Petitioner :- Ajay Shukla

Counsel for Respondent :- C.S.C.,Gaurav Mehrotra

Hon'ble Dinesh Kumar Singh,J.

1. Heard learned counsel appearing for the petitioner, Ms Deepshikha, learned Chief Standing Counsel appearing for the State and Sri Shobhit Saxena, learned counsel appearing for respondent No.4.

2. Present petition under Article 226 of the Constitution of India has been filed seeking following reliefs:-

"(i) Issue a writ, order or direction in the nature of Certiorari to quash the order dated 06.04.2023 passed by the opposite party No.3 i.e. Executive Engineer, Tubewell Division Bahraich, contained as Annexure No.1 to this writ petition.

(ii) Issue a writ order or direction in the nature of Mandamus commanding to the opposite parties to allow the petitioner to join on the post of Tubewell Operator in respect of letter dated 28.08.20220 contained as Annexure No.8 to this writ petition, in the interest of justice."

3. This is second writ petition filed by the petitioner. The petitioner has approached this Court by filing Writ A No.1817 of 2023, which has been disposed of vide order dated 27.02.2023. Order dated 27.02.2027 would read as under:-

"Heard learned counsel for petitioner and learned Standing Counsel for the State as well as Sri Ran Vijay Singh, learned counsel for the Commission.

The petitioner, who is working as Police Constable, cleared his exam for Tubewell Operator in the year 2019. At the relevant time, due to Covid spread, he was not relieved from Police service for joining as Tubewell Operator, but now Covid virus protocols are over.

Learned counsel for petitioner submits that grievance of petitioner would be sufficiently met in case representation of petitioner for the said purposes is considered and decided in a time bound manner.

Learned counsel for the respondents have no objection to the same.

In view thereof, petitioner is permitted to make a fresh detailed representation to respondent no.3-Executive Engineer, Tubewell Division, Bahraich, raising all his grievance, annexing therewith a copy of this writ petition along with annexures and all the documents in support of his claim within a period of two weeks from today along with a certified copy of this order.

In case such a representation is moved by petitioner, respondent no.3 shall consider and decide the same in accordance with law by a reasoned and speaking order within a period of two months from the date, a certified copy of this order along with representation is placed before him.

It is made clear that this court has not applied itself on the merits of the case and all questions are left open to be considered and decided by the competent authority in accordance with law.

With the aforesaid directions, present writ petition is disposed of."

4. In pursuance to the direction issued by this Court vide order dated 27.02.2023, representation of the petitioner has been disposed of comprehensively vide impugned order dated 06.04.2023. The petitioner as a result of his selection on the post of Tubewell Operator in the Department of Irrigation and Water Resources, Government of U.P. was required to join on 10.09.2020. The petitioner did not join the post of Tubewell Operator as a result of his selection even after 10.09.2020, therefore, his selection was cancelled.

5. The petitioner approached this Court by filing Writ A No.1817 of 2023 in which the order as extracted above was passed. In the appointment order itself it was made clear to the petitioner that if he fails to join by 10.09.2020, his selection would be cancelled. This Court cannot substitute the last date for joining. The petitioner approached this Court after 2 and a half years from the last date of joining.

6. In view of the aforesaid, the writ petition being devoid of merit and substance is hereby **dismissed**.

(Dinesh Kumar Singh, J.)

Order Date :- 29.5.2023

prateek