

Court No. - 2

Case :- WRIT - C No. - 9523 of 2024

Petitioner :- Basant Kumar Verma

Respondent :- State Of U.P. Thru. Prin. Secy. Woman Welfare Deptt. U.P. Lko. And 4 Others

Counsel for Petitioner :- Pramod Kumar Verma, Avdhesh Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Rajan Roy, J.

Hon'ble Brij Raj Singh, J.

Heard Shri Avadhesh Shukla, learned counsel for the petitioner and Shri Rajesh Tiwari, learned Additional Chief Standing Counsel for the State.

On the last date the draft Rules were placed before us which never fructified in the form in which they were drafted. Subsequently, U.P. Juvenile Justice (Care and Protection of Children) Act, 2019 were framed wherein there is no provision referable as Rule 5(7) or 104(9), therefore, our order passed on 28.11.2024 based on the draft Rules has no relevance any more.

The petitioner who was placed in the three member panel for appointment as Member of Juvenile Justice Board which was prepared on 23.07.2021 has filed this writ petition on 23.10.2024 seeking a writ of mandamus commanding the opposite parties to give appointment to him as Member of Juvenile Justice Board.

Admittedly, as is evident from the Rule 88(9) of the U.P. Juvenile Justice (Care and Protection of Children) Act, 2019 the Selection Committee shall prepare a three member panel for each position, which shall be valid for a period of one year. This period of one year expired on 23.07.2022. As per Sub-rule 11 of Rule 88 -names on the panel shall be valid for consideration for a period of one year which may be extended by six months where a new panel has not yet been constituted, in order to fill in vacancies which may arise during such period either due to non-reporting of the selected persons within a stipulated time from the date of appointment, or otherwise during the tenure of the Board or Committee. This further period of six months expired in February, 2023 but the Chairman of the Selection Committee extended the panel beyond a period of one year i.e. period of six months referred in Sub-rule 11 of Rule 88 vide his order dated 17.08.2022, therefore, this period of six months came to an end in February, 2023. We are now in December, 2024. The petitioner did not approach this Court within the said

period of six months. No case is made out for interference.

Shri Rajesh Tiwari, learned Additional Chief Standing Counsel for the State says that fresh process for selection of Members for the Juvenile Justice Board has been initiated in September, 2024. In view of this, we do not find any reason to proceed any further.

The writ petition is **dismissed** without prejudice to the rights, if any, of the petitioner to participate in any future selection.

(Brij Raj Singh,J.) (Rajan Roy,J.)

Order Date :- 19.12.2024
R.K.P.