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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 758/2019 and CM APPL. 3287/2019**

SACHIN KUMAR SHARMAPetitioner

Through: **Mr. Sharad Raghav, Advocate**

versus

**PRESIDENT D.A.V. COLLEGE MANAGING COMMITTEE AND
ORS.**Respondents

Through: **Mr. Mohak Bhadana, Advocate for
R-1 to 4.**

**Mr. Puneet Taneja, Mr. Manmohan Singh Narula,
Mr. Amit Yadav and Mr. Anil Kumar, Advocates
for R-5.**

**CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH**

**ORDER
05.08.2024**

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1. This writ petition has been preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following reliefs:-

“i) Issue an appropriate writ, order or direction, in the nature of mandamus, thereby quashing, nullifying and declare void the direction of the respondent no.2 dated 25.10.2018 and letter dated 05.12.2018 by respondent no. 1;

ii) Issue an appropriate writ, order or direction stopping the Respondent no.5 from evicting the petitioner from the said premise; iii) Issue an appropriate writ, order or direction stopping the transfer of the petitioner by the Respondent no.2 till the end of the current academic session;

iii) Issue, an appropriate writ, order or direction compensating the petitioner for the loss caused to him by the illegal conduct of the respondent no.2 and 4;”

2. It is evident from the prayer clause that the Petitioner seeks to challenge the transfer order dated 25.10.2018. Perusal of the impugned order



dated 25.10.2018 shows that the Petitioner was transferred with immediate effect to DAV Senior Secondary School, Robertsganj, Distt. Sonbhadra (U.P.) in the same designation and pay. The same was challenged by the Petitioner on the ground that the transfer was outside the territorial jurisdiction of the School.

3. Order dated 23.01.2019 passed by this Court, on the date when the petition had come up for admission, shows that no stay was granted by the Court against the transfer order. However, the interim relief that was granted was that the eviction proceedings initiated by Respondent No.5 against the Petitioner with respect to quarter No. B-564, N.T.P.C. Vidyut Nagar, Dadri, Gautam Budh Nagar, Uttar Pradesh shall remain stayed.

4. Mr. Puneet Taneja, learned counsel appearing on behalf of NTPC/Respondent No.5 draws the attention of the Court to paragraph IV at page 6 of the counter affidavit, wherein it is stated that the present writ petition has become infructuous since the Petitioner is no more an employee of the DAV Society and has joined another School, namely, Jagran Public School, Noida w.e.f. 01.04.2019.

5. Considering that the present petition was filed only to lay a challenge to the transfer order and since the Petitioner has now left the School and has joined another School, learned counsel for Respondent No.5 is correct in his submission that the present petition has become infructuous.

6. Learned counsel appearing on behalf of the Petitioner, on instructions, candidly admits that the Petitioner had never joined the place of transfer and had taken employment with another School.

7. Accordingly, this writ petition is dismissed as infructuous. Interim order dated 23.01.2019 stands vacated. Petitioner shall hand over the keys of



the aforesaid quarter to Respondent No.5 within 3 weeks from today.
Pending application also stands disposed of.

AUGUST 05, 2024/kks

JYOTI SINGH, J