



2026:AHC:55168-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 602 of 2026

Sanjeev Tripathi

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ashok Kumar Upadhyay, Varun Kumar Chaubey, Yasharth Upadhyay
Counsel for Respondent(s)	:	C.S.C.

Court No. - 21

**HON'BLE MAHESH CHANDRA TRIPATHI, J.
HON'BLE KUNAL RAVI SINGH, J.**

1. Heard Sri Ashok Kumar Upadhyay, learned counsel for the petitioner, Sri Jagdish Pathak, learned Standing Counsel for the State respondents and Sri Radha Kant Ojha, learned Senior Counsel assisted by Sri Yogesh Kumar Tripathi, who has put his appearance on behalf of respondent no.5.
2. The petitioner has preferred this writ petition for the following relief :-

"i. Issue a writ, order, or direction in the nature of Mandamus commanding the respondent no. 2 to transfer the respondent no.5 with immediate effect from the post of Chief Pharmacist posted in the office of Chief Medical Office, Basti, who has been occupying and posted on the said post for the last about 7 years i.e since the year 2018.

ii. Issue a writ order or direction in the nature of Mandamus directing the respondent no. 2 to 4 to consider and decide the application/representation of the petitioner dated 27.05.2025 within stipulated period as fixed by this Hon'ble Court.

iii. Issue a writ order or direction in the nature of Mandamus directing the respondent no. 2 to 4 to take necessary action against the respondent no. 5 in respect of the committing the misconduct and corruption against the interest of public.

iv. Issue a writ order or direction in the nature of Mandamus

commanding the respondent no. 2 to transfer the respondent no.5 with immediate effect from the post of Chief Pharmacist posted in the office of Chief Medical Office, Basti, who has been occupying and posted on the said post for the last about 7 years i.e since the year 2018."

3. At the outset, learned Standing Counsel for the State respondents has raised an objection qua the maintainability of the instant Public Interest Litigation on the premise that Public Interest Litigation in service matters is not maintainable and submits that learned Single Judge, while dismissing the writ petition having Writ A No.18069 of 2025, 'Sanjeev Tripathi Vs. State of U.P. and 4 others" on 07.01.2026, has made following observations :-

"1. The matter has been taken up in revised list. No body is present on behalf of the writ petition though the name of Sri Ganesh Kumar, Advocate is printed in the cause list. Sri S.K. Pal, learned Additional Chief Standing Counsel is present on behalf of the State and Sri R.K. Ojha, learned Senior Counsel assisted by Sri Yogesh Kumar Tiwari, Advocate has put in appearance on behalf of respondent No.5.

2. On 02.12.2025, following order was passed:-

"Put up this case on 17.12.2025 at 02:00 P.M. as fresh, with a clear stipulation that the matter will not be adjourned in any eventuality."

3. The present writ petition has been preferred by the writ petitioner disclosing his credentials in paragraph-3 as under:

"That the petitioner Sanjeev Tripathi is elected Member of Kshetra Panchayat, Block Saughat and permanent R/o Village Chhapiya Lutawan, Post Odwara, Block Saughat, District Basti and he has no personal interest in the present matter."

4. Thereafter on 17.12.2025, following order was passed:-

"As prayed, list on 07.01.2026 in the additional cause list at 2.00 PM."

5. The following main reliefs have been sought:

"A. Issue a writ order or direction in the nature of Mandamus directing the respondent no. 2 to 4 to consider and decide the application/representation of the petitioner dated 27.05.2025 within stipulated period as fixed by this Hon'ble Court.

B. Issue a writ order or direction in the nature of Mandamus directing the respondent no. 2 to 4 to take necessary action against the respondent no. 5 in respect of the committing the misconduct and corruption against the interest of public."

6. In the opinion of the Court, the writ petitioner has no locus standi to maintain the present writ petition particularly when the present writ petition in view of the relief which has been sought is not maintainable and more so, the present writ petition is not in the nature of quo warranto also furthermore, the writ petition is somewhat bordering a public interest litigation which in service matter is not maintainable.

7. Accordingly, the writ petition stands dismissed as not maintainable leaving it open for the writ petitioner to take recourse to the remedy as available under law. "

4. In support of his submissions, learned Standing Counsel has placed reliance on the judgment passed by the Apex Court in the case of **Hari Bansh Lal Vs. Sahodar Prasad Mahto** reported in **(2010) 9 SCC 655** and **Dr. B Singh Vs. Union of India and others** reported in **(2004) 3 SCC 363**.

5. Confronted with this situation, learned counsel for the petitioner fairly submits that the instant Public Interest Litigation may be dismissed as not pressed and leave may be accorded to institute the proceeding in accordance with law.

6. Accordingly, the instant Public Interest Litigation stands **dismissed as not pressed**.

(Kunal Ravi Singh,J.) (Mahesh Chandra Tripathi,J.)

March 18, 2026

Sumit S