
(2010) 10 AHC CK 0020
In the Allahabad High Court
Case No : Writ C. No. 64427 of 2010

Smt. Shashibala

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 27-10-2010

Acts Referred:

Citation : (2010) 10 AHC CK 0020

Hon'ble Judges : Vineet Saran, J; Abhinava Upadhya, J

Bench : Division Bench

Judgement

1. Learned Standing Counsel has accepted notice for the respondents. He prays for and is granted a month's time to file counter affidavit. The petitioner shall have two weeks thereafter to file rejoinder affidavit. List immediately thereafter.

2. The case of the petitioner is that she was elected Senior Up Pramukh of the Kshetra Panchayat Majhwan, district Mirzapur. On a vacancy having arisen on the post of Pramukh, by order dated 24.7.2010 the petitioner as Senior Up Pramukh was given charge of Pramukh. The said order was challenged by one Smt. Kusum Devi in Writ Petition No. 44538 of 2010 which petition was dismissed by a Division Bench of this Court by judgment and order dated 26.8.2010 holding that the order dated 24.7.2010 by which the petitioner herein as Up Pramukh was permitted to function as Pramukh was fully in accordance with the provisions of the Act. It is stated that though the said judgment of this Court was challenged in SLP No. 26447 of 2010 but no interim order has been passed in the said petition by the Apex Court. The petitioner is now aggrieved by the order dated 8/10.10.2010 passed by the District Magistrate, Mirzapur directing that the charge of Pramukh be given to the Sub-Divisional Magistrate.

3. The submission of the learned Counsel for the petitioner is that the order dated 24.7.2010 by which the charge of Pramukh was given to the petitioner is still continuing and has not been set aside by any Court or even by the District Magistrate and as such the petitioner is entitled to continue to function as Pramukh and the impugned order could not have been passed as no post of

Pramukh was vacant.

4. Considering the facts and circumstances of this case and keeping in view the aforesaid submission of the learned Counsel for the petitioner, in our view, the petitioner has made out a prima-facie case for grant of interim protection.

5. Accordingly, it is directed that the operation of the order dated 8/10.10.2010 passed by the District Magistrate, Mirzapur filed as Annexure-4 to the writ petition shall remain stayed.