

ITEM NO.7

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 1112/2021

NARENDRA MISHRA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR FOR PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 129075/2021
IA No. 129075/2021 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

WITH

SLP(C) No. 19466/2021 (XIV)
(FOR ADMISSION and I.R. and IA No.153213/2021-EXEMPTION FROM FILING
C/C OF THE IMPUGNED JUDGMENT)

W.P.(C) No. 261/2022 (PIL-W)

Date : 27-02-2023 These matters were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s) Mr. Prashant Bhushan, AOR
Mrs. Neha Rathi, Adv.

Petitioner-in-person

Mr. V K Shukla, Adv.
Mr. Sugam Mishra, Adv.
Mr. Abhaya Nath Das, Adv.
Ms. Riya Soni, Adv.
Mr. S S Bandyopadhyay, Adv.
Mr. Satish Kumar, AOR

For Respondent(s) Mr. Tushar Mehta, Solicitor General
Mr. Kanu Agarwal, Adv.
Mr. Rajat Nair, Adv.
Mr. Amit Sharma B, Adv.

Mr. Ashok Panigrahi, Adv.
Mr. Mrinal Elkar Mazumdar, Adv.
Mr. Arvind Kumar Sharma, AOR

Mrinal Gopal Elker, AOR
Mrs. Mrinal Elker Mazumdar, Adv.

Mrs. Nishi Sangtani, Adv.
Ms. Vani Vandana Chhetri, Adv.
Ms. Rupal Aggarwal, Adv.
Mr. Sameer Abhyankar, AOR

Ms. Diksha Rai, AOR
Mr. Ankit Agarwal, Adv.

Mr. Ankur Bansal, AOR

UPON hearing the counsel the Court made the following
O R D E R

Writ Petition (Civil) No 1112 of 2021

- 1 The Writ Petition under Article 32 of the Constitution of India seeks to challenge the appointment of the third respondent (Rakesh Asthana) as the Commissioner of Police, Delhi.
- 2 The term of the appointment having come to an end, this court disposed of Writ Petition (Civil) No 881 of 2021 in terms of an order dated 16 January 2023.
- 3 The present Writ Petition shall, hence, stand disposed of in view of the order which has already been passed on 16 January 2023 Writ Petition (Civil) No 881 of 2021.

Special Leave Petition (Civil) No 19466 of 2021

- 4 The challenge before the High Court was to the appointment of Mr. Rakesh Asthana as Commissioner of Police, Delhi. The tenure of appointment of the

then Commissioner of Police has ended.

5 As a result, an order was passed by this Court on 16 January 2023 in Writ
Petition (Civil) No 881 of 2021 disposing of the Writ Petition while keeping the
question of law open.

6 In paragraph 45 of the impugned judgment of the High Court dated 12 October
2021, the Division Bench has held that the observations of this Court in ***Prakash
Singh & Ors Vs Union of India & Ors***¹ would have no relevance or application
to the appointment of the Commissioner of Police, Delhi. These observations in
paragraph 45, it has been urged, require to be dealt with by this Court since the
finding would have recurring effect.

7 The Special Leave Petition be listed on a non-miscellaneous day on 18 April
2023.

Writ Petition (Civil) No 261 of 2022

8 It is common ground between the learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State of Sikkim that a
new Deputy General of Police has been appointed in the State of Sikkim. The
order by which the third respondent was given additional charge of Deputy
General of Police, Sikkim, therefore, does not survive.

9 Consequently, the Writ Petition is disposed of as having become infructuous.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR