

ITEM NO.5

COURT NO.4

SECTION III

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).24463/2019

(Arising out of impugned final judgment and order dated 12-02-2019 in LPA No. 282/2019 passed by the High Court of Gujarat at Ahmedabad)

ANIL KUMAR M. SONI

Petitioner(s)

VERSUS

STATE OF GUJARAT & ORS.

Respondent(s)

(FOR ADMISSION and I.R., IA No.149222/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.149224/2019-EXEMPTION FROM FILING O.T.)

Date : 16-11-2021 This petition was called on for hearing today.

CORAM : HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE VIKRAM NATH

For Petitioner(s) Mr. Manoj K. Mishra, AOR
Mr. Umesh Dubey, Adv.
Mr. Prateek Som, Adv.
Mr. Alok Pandey, Adv.
Mr. Sudhir S. Rawat, Adv.

For Respondent(s) Ms. Deepanwita Priyanka, AOR

Mr. Rishabh Sancheti, Adv.
Mr. Anchit Bhandari, Adv.
Mr. K. Paari Vendhan, AOR

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

1 The petitioner sought to challenge the appointment of the third respondent as Assistant Commissioner of Labour. The Single Judge and the Division Bench in a Letters Patent Appeal entered concurrent findings of fact that the third respondent fulfilled the requirements for the post under the Rules and the advertisement. The required qualification, *inter alia*, was that a person must

have worked as a Labour Officer with an experience of three years. The issue is whether the third respondent who worked as a Welfare Officer with a private sector organization fulfilled the description. The third respondent has been functioning as an Assistant Commissioner of Labour for nearly a decade since his appointment.

- 2 During the pendency of these proceedings, the petitioner has attained the age of superannuation and even if he were to succeed, it would not be possible for him to be appointed to the post of Assistant Commissioner of Labour. In this view of the matter, it is not necessary for the Court to enter upon the questions of law or fact sought to be raised in these proceedings, since, in any event, the petitioner would not be entitled to any relief.
- 3 The petition is accordingly disposed of.
- 4 Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(RAM SUBHAG SINGH)
COURT MASTER