

**Chief Justice's Court**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 1454 of 2024

**Petitioner :-** Manjesh Kumar Yadav

**Respondent :-** State of U.P. and 3 others

**Counsel for Petitioner :-** Krishna Kant Vishwakarma, Rajesh Kumar Singh

**Counsel for Respondent :-** Manish Goyal (A.A.G.), M.C. Chaturvedi (A.A.G.), A.K. Sand (G.A.), J.N. Maurya (C.S.C.), A.K. Goyal (A.C.S.C.)

**Hon'ble Arun Bhansali, Chief Justice**

**Hon'ble Vikas Budhwar, J.**

1. Heard learned counsel for the parties.
2. This writ petition, purportedly in public interest, has been filed by the petitioner, a practising advocate of this Court, seeking a direction to the respondent-State Government, to clarify that it is not working under the command of respondent no. 3 and that it is exercising its executive power exclusively independently without being influenced from political interest of respondent no. 3.
3. The purported foundation of petition is a statement said to have been by Deputy Chief Minister of the State on 14.07.2024 that party organization is more powerful than the Government. Based on the said purported statement, it has been claimed that the said statement is contrary to the constitutional scheme of good governance and though the people of the State, who do not have the concept of Constitution of India, have not conceived the correct perspective of the said statement, the petitioner, being a lawyer, is duty bound to advocate and spouse the common cause for the benefit of people of the State.
4. Further submissions have been made that as the statement has been made by Deputy Chief Minister, until and unless the same is disapproved by the Council of Ministers, there would be reasonable doubt about the good and constitutional

governance and, therefore, the respondents be directed in terms of the prayer made in the petition.

5. Learned counsel for the petitioner made submissions in terms of the averments contained in the petition and placed reliance on **Manoj Narula Vs. Union of India : (2014) 9 SCC 1** and **S.R. Bommai and others Vs. Union of India and others : (1994) 3 SCC 1**.

6. We have considered the submissions made by counsel for parties and have perused the material available on record.

7. Perusal of the news report, which is sought to be relied on by the petitioner for the purpose of filing of the present petition, would reveal that the said purported statement was made by the Deputy Chief Minister in the प्रदेश कार्य समिति.

8. The mere fact that respondent no. 4 happens to be the Deputy Chief Minister, his status as a member of the party and its office bearer does not cease and merely because some purported statement in a forum of the party has been made, the same, by itself, cannot form basis for coming to a conclusion regarding lack of good governance and expression of apprehension pertaining to lack of the same, unless the petitioner is able to point out any decision having been taken by the respondents reflective of lack of such good governance, as sought to be projected by the petitioner.

9. The statements given by the Ministers, otherwise than in their official capacity, by itself, cannot form the basis for making allegations of the present nature and requiring the Council of Ministers to endorse or contradict the statement so made by the Minister.

10. So far as the reliance placed on the judgment in the case of **Manoj Narula (supra)** and **S.R. Bommai (supra)** is concerned, the propositions indicated therein pertaining to

constitutional scheme though are not in dispute, the same apparently have no application to the present case and the issue sought to be projected.

11. In view of above discussion, there is no substance in the petition. The same is, therefore, dismissed.

**Order Date :- 7.8.2024**

SK/P.Sri.

(Vikas Budhwar, J) (Arun Bhansali, CJ)