

**Court No. - 17**

**Case :-** WRIT - A No. - 2647 of 2023

**Petitioner :-** Asharfi Lal

**Respondent :-** State Of U.P. Thru. Chief Secy. Govt . Of U.P. Civil Sectt. Lko. And 5 Others

**Counsel for Petitioner :-** Surya Mani Singh, Prashant Singh Gaur

**Counsel for Respondent :-** C.S.C., Raj Kumar Upadhyaya  
(R.K. Upadhyaya)

**Hon'ble Dinesh Kumar Singh, J.**

1. Heard Sri Surya Mani Singh, learned counsel for the petitioner as well as Sri Sandeep Chandra, learned Standing Counsel and Sri R.K. Upadhyaya, learned counsel for the Uttar Pradesh Public Service Commission..

2. The present petition under Article 226 of the Constitution of India has been filed seeking a Writ of Certiorari quashing the memorandum/decision to contemplate for imposing major penalty against the petitioner, for which the charge sheet dated 6.3.2013 was issued to the petitioner.

3. The petitioner is working as District Cane Officer after he got promoted from the post of Senior Cane Inspector.

4. It appears that the Prime Minister of this country, Sri Narendra Modi praises the bureaucracy and administration of the Uttar Pradesh and said that "उत्तर प्रदेश की ब्यूरोक्रेसी व एडमिनिस्ट्रेशन में वो ताकत है जो देश चाहता है। एक सांसद के नाते मैंने स्वयं इस सामर्थ्य को अनुभव किया है: प्रधानमंत्री श्री नरेन्द्र मोदी जी".

5. The above sentence was tweeted by the Chief Minister's officer of the Uttar Pradesh, to which the petitioner tweeted "ब्यूरो द ग्रेट, इतनी शक्ति है कि आपके आदेश को भी कुछ अधिकारी ढेंगा

दिखा रहे हैं, एक ही विभाग में 5 साल से ज्यादा समय हो गया किंतु आपकी भी हिम्मत नहीं की उन्हें हटाएं।"

6. Learned counsel for the petitioner submits that when the said sentence was tweeted, the petitioner was not in a good frame of mind. He further submits that the petitioner has very deep regard and respect to the Prime Minister and the Chief Minister of the Uttar Pradesh.

7. In pursuance to the order dated 4.4.2023 passed by this Court, the petitioner has filed an affidavit tendering his unconditional apology for the said tweet. Paragraphs 4 and 5 of the said affidavit would read as under:-

*"4. That the aforesaid tweet was made by the twitter account i.e. @Asharfilal19 of the deponent by mistake and lack of knowledge of twitter's seriousness, which was deleted at that time.*

*5. That the deponent tenders unconditional apology for said tweet before this Hon'ble Court and promise that the recurrence of such type of act will not be done in future."*

8. Considering the regret and unconditional apology tendered by the petitioner by way of an affidavit, this Court thinks that continuation of the proceedings for the tweet is not required. Once the petitioner has regretted to his tweet and tendered unconditional apology, interest of justice would meet if the charge sheet dated 6.3.2023 is set aside.

9. Order accordingly.

10. Subject to above noted terms, the present petition stands **allowed.**

**Order Date :- 12.4.2023**

Rao/-