

Court No. - 35

Case :- WRIT - A No. - 4761 of 2019

Petitioner :- Manoj Kumar Shukla

Respondent :- Chairman, Central Board Of Secondary Education, New Delhi, And 3 Others

Counsel for Petitioner :- Manoj Kumar Tiwari

Counsel for Respondent :- Dhananjay Awasthi, Akshat Sinha

Hon'ble Vikas Budhwar, J.

Today the matter has been listed in the additional cause list at serial No.3046, Shri Kavindra Gill, learned counsel for the writ petitioner has made a mention for taking the case out of turn. The Court has accepted the mention.

Shri Himanshu Pandey, advocate holding brief of Shri Akshat Sinha is present before the Court on behalf of the respondent Nos. 3 and 4 who happens to be the principal of the institution, Kusum Goyal Dr. Santosh Saraswati Vidya Mandir, Senior Secondary School, Raj Nagar, Ghaziabad.

Principally the relief sought in the present petition is to quash the notice dated 21.02.2019 issued by the third respondent, Kusum Goyal Dr. Santosh Saraswati Vidya Mandir, Senior Secondary School, Raj Nagar, Ghaziabad proceeding to terminate the service of the writ petitioner.

Shri Himanshu Pandey, advocate holding brief of Shri Akshat Sinha, learned counsel for respondent Nos. 3 and 4 has raised an objection regarding maintainability of the writ petition in the wake of the judgment of the Hon'ble Apex Court in **Civil Appeal No. 5789 of 2022 (St. Mary's Education Society & another Vs. Rajendra Prasad Bhargava and others)** decided on 24.08.2022 contending that the writ petition may not be maintainable with respect to the relief sought by the writ petitioner wherein the services of the writ petitioner have been terminated as the same does not come within the statutory framework or the realm so as to insist this Court for issuing mandamus or certiorari in this regard.

The said submission of the learned counsel for the respondents has not been disputed by Shri Kavindra Gill, learned counsel for the writ petitioner. However, he submits that the writ petitioner herein

has approached the CBSE Board, Delhi for redressal of his grievance thus the mandamus be issued for disposal of the same.

In the opinion of the Court, no such direction can be issued that too when the writ petition is not maintainable. However, it is open for the writ petitioner to raise his grievance before the competent authority if the same is permissible and admissible under law.

Accordingly, the writ petition **consigned to record**.

Order Date :- 13.12.2023

A. Prajapati