

Court No. - 10

Case :- WRIT - C No. - 30046 of 2023

Petitioner :- Soumya Mishra

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Rajesh Pathak, Krishna Mohan Singh

Counsel for Respondent :- C.S.C.

Hon'ble Kshitij Shailendra, J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for the State-respondents and perused the record.

2. The petitioner claims benefit of judgment dated 06.07.2023 passed in a bunch of writ petitions connected with Writ-C No.9773 of 2023 (Sakshi and 77 others Vs. State of U.P. and 32 others). Paragraphs no.23 and 26 of the said judgment are reproduced as under:-

"23. Shri Chandan Kumar has lastly vehemently argued that in case, this Court is permitting the petitioners in the bunch of these writ petitions to avail additional chance, this order may be confined to the petitioners alone, otherwise anybody who is either waiting for the result of these writ petitions or has not yet pressed his/her claim arising out of the aforesaid Circulars/Office Memoranda, would also get undue advantage. He again emphasises that the aforesaid Circulars/Office Memoranda were issued in the peculiar facts and circumstances of the situation, which was there in 2021 and 2022 on account of spread of Pandemic COVID-19.

26. In view of the last argument advanced on behalf of the State, it is provided that the present judgment and order shall not be treated as a binding precedent in relation to those writ petitions which shall be filed after date of this decision and all arguments shall remain open for the State insofar as factual background of such petitions would reflect."

3. From a perusal of the record, I find that neither there is pleading nor any documentary evidence to establish that the petitioner made claim before the respondent authorities as observed in the aforesaid judgment. The document filed as Annexure No.5 to the writ petition neither contains any date nor any proof of service.

4. It appears that the writ petition has been filed without any factual strength just to take advantage of the judgment of this Court, although in paragraphs no.23 and 26 of the said judgment, the Court had clarified that the said direction would not be treated as binding precedent in all cases.

5. Having found no merit in the writ petition, I am not inclined to grant the same indulgence.

6. The writ petition stands **dismissed**.

Order Date :- 16.10.2023

AKShukla/-