

Court No. - 36

Case :- WRIT - A No. - 16172 of 2023

Petitioner :- Major Emmanuel Charan And Another

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

Counsel for Petitioner :- Mohd. Asim Zulfiquar

Counsel for Respondent :- C.S.C.,Ajay Kumar Rai,Shad Khan,Shishir Prakash

Hon'ble Manjive Shukla,J.

1. List of the fresh cases is being revised.
2. No one is present on behalf of the petitioners even in the revised call.
3. This matter was heard by this court on 27.10.2023 and following order was passed :-

"1. Heard learned counsel appearing for the petitioners and Sri Shad Khan, learned counsel appearing for the Respondent No.4.

2. Sri Shad Khan, learned counsel appearing for the Respondent No.4, at the very outset, has raised a preliminary objection regarding maintainability of this writ petition that the institution, in which petitioners were working, is a private institution and is neither recognized by the U.P. Basic Education Board nor is receiving any financial grant from the Government of U.P., therefore in view of the latest judgment rendered by the Hon'ble Supreme Court in the case of St. Mary's Education Society and another vs. Rajendra Prasad Bhargava and others, AIR Online 2022 SC 1329, this writ petition is not maintainable.

3. Learned counsel appearing for the petitioners prays that he may be granted some time to give reply to the aforesaid preliminary objection raised by the learned counsel appearing for the Respondent No.4.

4. Time prayed for is allowed.

5. List this matter on 16.11.2023 as fresh.

6. It is made clear that this court has not passed any interim order in favour of the petitioners."

4. It appears that since preliminary objection regarding maintainability of this writ petition has been raised by the learned counsels appearing for the respondents, therefore, no one is coming forward to argue in this matter on behalf of the petitioners.

5. Be that as it may, since no one is present on behalf of the petitioners to press this writ petition, this writ petition is dismissed for want of prosecution.

Order Date :- 16.11.2023

Gaurav