

Court No. - 35

Case :- WRIT - A No. - 17134 of 2023

Petitioner :- Smt. Usha

Respondent :- The Secretary Central Board Of Secondary And
Another

Counsel for Petitioner :- Harendra Prakash Dwivedi

Counsel for Respondent :- Hridai Narain Pandey

Hon'ble Vikas Budhwar,J.

Sri Harendra Prakash Dwivedi, learned counsel for the writ petitioner and Sri H.N. Pandey, learned counsel for the respondent No. 1.

In view of the order which is being proposed to be passed today, notice is not being issued to the second respondent.

Prayer in the present petition is for quashing of the order dated 05.10.2021 passed by the second respondent, Principal, Shri Mahaprabhu Public School/College, Shivkuti, Prayagraj whereby the claim of the writ petitioner with respect to regularization and payment of certain monetary benefits including salary has been negated.

Sri H.N. Pandey, learned counsel who appears for the first respondent has placed reliance upon the judgment in Sant Marry's Education Society Vs. Rajendra Prasad Bhargav reported in 2015 (SC) 954 so as to contend that once it has come on record that the second respondent is only a private institution not getting aid from the State Government that the writ petition would not lie and the remedy lies elsewhere.

Confronted with the said situation the learned counsel for the writ petitioner could not dispute the said fact.

In view of the above, the writ petition is consigned to record leaving it open to the writ petitioner to draw appropriate proceedings as advised and permissible in law and this Court has no reason to believe that one such proceeding is initiated by the

writ petitioner then the same shall be given a logical end by the competent forum with most expedition.

With the aforesaid observation, the writ petition stands disposed of.

Order Date :- 30.10.2023

Rajesh