

Court No. - 35

Case :- WRIT - A No. - 17345 of 2023

Petitioner :- Suraj Kant Singh

Respondent :- State Of U.P. And 8 Others

Counsel for Petitioner :- Virendra Singh Patel

Counsel for Respondent :- C.S.C.,Hridai Narain Pandey

Hon'ble Vikas Budhwar,J.

Heard Sri Virendra Singh Patel, learned counsel for the writ petitioner, Sri P.K. Shahi, learned Additional Chief Standing Counsel who appears for the respondent no.1 and Sri H.N. Pandey, learned counsel for the respondent no.2.

Principally the challenge raised in the writ petition for mandamus directing the respondents to ensure payment of salary since the month of December, 2019 to April 2021 and in the alternate to decide the representation of the writ petitioner in compliance of the C.B.S.E.'s letter dated 20.7.2023.

At the very outset Sri Hridai Narain Pandey, learned counsel for the C.B.S.E. has produced before this Court the judgement in the case of **St. Marys Education Society & another vs. Rajendra Prasad Bhargava & others** reported in **2022 Law Suit (SC) 994** so as to contend that the nature of the relief has couched in the writ petition the writ petition is not maintainable as the said emanates to a private dispute for payment of monetary benefits from private institution thus the same will not come within the ambit of any statutory exercise.

To such a submission, learned counsel for the writ petitioner submits that the writ petition be permitted to be withdrawn so as to enable the writ petitioner to take appropriate remedy as advised and available under the law.

Accordingly, the writ petition is **consigned to record** leaving it open to the writ petitioner to take remedy as available under the law.

Order Date :- 26.10.2023

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