

Court No. - 35

Case :- WRIT - A No. - 18510 of 2023

Petitioner :- Shiv Pal Visvakarma

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Yogendra Kumar Srivastava, Shreesh Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

Heard Sri Yogendra Kumar Srivastava, learned counsel for the writ petitioner as well as Sri Pradeep Kumar Shahi, learned Additional Chief Standing Counsel who appears for respondents No. 1 and 2.

At the very outset, Sri Pradeep Kumar Shahi, learned Additional Chief Standing Counsel submits that the present petition is not maintainable as the institution, Saraswati Bal Mandir Inter College, Rath, Hamirpur is an unaided institution, he submits that in view of the decision in the case of **St. Marry Education Society Vs. Rajendra Prasad Bhargava 2022 SCC Online SC 1091** and in the case of **Devesh Verma Vs. Christ Church College Throu Principal Hazratganj Lko. & Others in Special Appeal (D) No. 2 of 2018**, the writ petition is not maintainable.

Sri Srivastava, learned counsel for the writ petitioner could not dispute the facts, however, he submits that liberty be accorded to the writ petitioner to take appropriate proceedings as contemplated under law.

Having heard the learned counsel for the writ petitioner, this Court is of the opinion that once the institution in question is unaided and unaffiliated, thus, it is open for the writ petitioner to take recourse to the appropriate proceedings as contemplated under law and this Court has no reason to disbelieve that the same would be decided with most expedition.

With the aforesaid observations, the writ petition is disposed of.

Order Date :- 16.11.2023

Rajesh