

Court No. - 7

Case :- WRIT - A No. - 7778 of 2023

Petitioner :- Avadhesh Pratap Singh

Respondent :- State Of U.P. Thru. Prin. Secy. Basic Edu. Lko And 3 Others

Counsel for Petitioner :- Pt. S. Chandra, Ravi Kant Mishra

Counsel for Respondent :- C.S.C., Shailendra Singh Rajawat

Hon'ble Abdul Moin, J.

Heard learned counsel for the petitioner and learned counsel for the respondents.

Admittedly, against the impugned order of dismissal dated 01.09.2023, the petitioner has a statutory remedy of filing of an appeal.

Learned counsel for the petitioner has vehemently argued that alternative remedy is not a bar in the Court entertaining a petition without insisting upon the petitioner to avail the remedy of appeal.

A perusal of the order impugned indicates that it is after a detailed inquiry that the order impugned dated 01.09.2023 has been passed.

Various grounds have been urged to contend that the order is bad in the eyes of law.

However the Court is of the view that once an order has been passed after a detailed inquiry consequently, the grounds which are urged before this Court can very well be urged by the petitioner before the appellate authority.

Keeping in view the aforesaid discussion, this Court does not deem it fit to entertain the petition in view of existence of alternative remedy of appeal.

Accordingly, the writ petition is **disposed of** leaving it open to the petitioner to submit an appeal against the order impugned before the appellate authority.

In case an appeal is preferred within two weeks from today the appellate authority shall proceed to decide the said appeal in accordance with law expeditiously say within a period of six weeks from the date of receipt of the said appeal alongwith certified copy of this order.

At this stage, learned counsel for the petitioner has placed

reliance on the judgement of this Court in the case of **Subodh Kumar Trivedi vs State of U.P. and others, 2001 (19) LCD 168** to contend that alternative remedy is not an absolute bar in entertaining the petition.

There cannot be nor is any dispute to the aforesaid proposition of law. However, as already indicated above, as the order impugned has been passed after detailed inquiry and the petitioner has a remedy of preferring an appeal against the order impugned, consequently this Court does not deem it fit to entertain the petition without the petitioner having exhausted the remedy of appeal.

Order Date :- 10.10.2023

J.K. Dinkar