CGHC010409222026 2026:CGHC:45022

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7645 of 2026

Chandra Prakash Sahu S/o. Shri Basant Kumar Sahu, Aged About 34 Years R/o. Shikshit Nagar, Ward No.24, Near Reliance Tower, Charoda, Durg, District Durg (C.G.).

... Petitioner(s)

versus

JYOTI SHARMA
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Date: 2026.10.27 11:02:11 +0530

1. State Of Chhattisgarh Through Secretary, School Education Department, Capitol Complex, Atal Nagar, Raipur (C.G.)

2. Kailash Mansarowar Shikshan Samiti, Charoda, Through Its Secretary Basant Kumar Sahu, S/o Shri B.R. Sahu, Aged About 60 Years, R/o Shikshit Nagar, Ward No. 24, Near Reliance Tower, Charoda, District Durg (C.G.).

3. Registrar, Firms And Societies, Chhattisgarh, Indrawati Bhawan, Atal Nagar, Nava Raipur (C.G.).

4. Pawan Kumar Sahu, S/o Shri B.R. Sahu, Aged About 57 Years R/o Talpuri, Block-A, Tulip-361, Bhilai, District Durg (C.G.).

5. Mansarowar Vidyalaya English Medium, Janjgiri, Cbse Affiliation No. 333026, Through Its Principal Pawan Kumar Sahu, District Durg (C.G.).

6. District Education Officer, District Durg (C.G.).

... Respondent(s)

(Cause title is taken from Case Information System)

For Petitioner	: Mr. Avinash Chand Sahu, Advocate
For Respondents/ State	: Mr. Aditya Tiwari, P.L.

(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)

Order on Board

26/10/2026

1. Learned counsel for the petitioner submits that the petitioner was appointed as Manager (Accounts) in Mansarowar Vidyalaya

English Medium, Janjgiri, District Durg, with effect from 01.01.2015, but his salary has not been paid since June, 2021, despite his continued discharge of duties. He further submits that the petitioner has submitted a representation dated 09.07.2026 before the Respondent No. 3/ Registrar, Firms and Societies for redressal of his grivenace which relates to payment of salary by a private school due to some dispute between the managing committee, but no action has been taken thereon. Hence, learned counsel prays for a direction to the respondent authorities to consider and decide the petitioner's representation in accordance with law within a time-bound period.

2. Learned counsel for the State, opposing the submissions made by learned counsel for the petitioner, submits that the present writ petition is not maintainable, as the petitioner seeks payment of salary from respondent No. 2/Society, which is a purely private institution, neither established under any statute nor owned, controlled, or substantially financed by the Government, and therefore, does not fall within the definition of “State” or “other authority” under Article 12 of the Constitution of India. It is further submitted that the grievance raised by the petitioner relates to non-payment of salary by the said private institution, and respondent No. 3/Registrar, Firms and Societies, is not the competent authority to adjudicate upon the petitioner's claim for payment of salary. Learned counsel would further submit that the dispute is essentially private in nature, for which the petitioner has an alternative and efficacious remedy before the appropriate forum. Accordingly, it is contended that the extraordinary writ

jurisdiction of this Court under Article 226 of the Constitution of India cannot be invoked in the facts and circumstances of the case, and the writ petition deserves to be dismissed as not maintainable.

3. I have heard learned counsel for the parties and perused the documents on record.

4. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that the petitioner has approached this Court seeking a direction to the respondent authorities to consider and decide his representation dated 09.07.2026 concerning the non-payment of salary by respondent No. 2/Society, a private institution. The grievance raised by the petitioner essentially pertains to a service dispute of a private nature arising out of the alleged non-payment of salary. The dispute, as projected, does not involve any public law element, nor has the petitioner demonstrated that the institution in question is discharging any public duty in relation to his employment or that the terms and conditions of his service are governed by any statutory provisions. Further, the institution has not been shown to possess the status of ‘State’ or ‘other authority’ within the meaning of Article 12 of the Constitution of India. In the absence of any statutory obligation on the part of the respondent authorities to adjudicate upon the petitioner's claim for payment of salary, no direction, as prayed for, can be issued in exercise of the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India. Accordingly, this Court is of the considered view that the grievance raised by the petitioner does not warrant

interference in the writ jurisdiction of this Court.

5. In view of the foregoing discussion, the present writ petition, being not maintainable, is accordingly **dismissed.** However, the petitioner shall be at liberty to avail such other remedy as may be available to him in accordance with law.

Sd/-
(BIBHU DATTA GURU)
JUDGE

Jyoti