HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 43113 of 2026

Siddhartha Upadhyay And 153 Others

.....Petitioner(s)

Versus

The State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Saurabh Kumar Tripathi
Counsel for Respondent(s)	:	C.S.C., Ravi Shanker Pathak

Court No. - 34
(Sl. No. 20)

HON'BLE ANISH KUMAR GUPTA, J.

1. Heard Sri Ravi Nath Tiwari, holding brief of Sri Saurabh Kumar Tripathi, learned counsel for the petitioner, Sri Neeraj Kumar Sharma, holding brief of Sri Ravi Shanker Pathak, learned counsel for the Respondent No. 4 and Sri R.P. Tiwari, learned Standing Counsel for the State.

2. The instant writ petition has been filed with the following prayers:-

> *"i. Issue a writ, order or direction in the nature of Certiorari to set aside / quash the Impugned Order dated 01.09.2026 passed by Deputy Secretary DGME, Lucknow (U.P.) on Fee Fixation / Admission Committee in Government of Uttar Pradesh, Medical Education Section-4, No. 238 171-4099/90/2026 Lucknow, and as well as an impugned order dated 03.09.2026 passed by The Principal of Krishna Mohan Medical College & Hospital, Mathura contained as an Annexure No.1 and 2 to this writ petition, or / and*
>
> *ii. Issue a writ, order or direction in the nature of mandamus commanding the respondents to to the Respondents to re-evaluate/fix the fair fee structure in strict compliance With the statutory rules, according to deiced in the circular No. 42/7 1-4-2025 lucknow was issued on dated 24.07.2025 by Joint secretary, Health Education Anubhag (Section) - 4, Govt. Of*

U.P, and/or

iii. Issue a writ, order or direction in the nature of mandamus directing the respondent no.4 college not to create any hindrance to the petitioners in attending their ongoing respective classes of MBBS course 2026-27 to 2029-30 and also not to create any hindrance to the petitioners in appearing in the Examinations of MBBS course for the academic session 2026-27 to 2029-30.

iv. Issue a writ, order or direction in the nature of mandamus commanding the respondents to pay full salary to the petitioner from the date of his suspension along with other allowances and arrears, and / or

V. Issue an appropriate order or direction to the respondents to consider the petitioners claims and return the excessive amount which has been taken in the name of Cultural Program, and extra fees in hostel charges, and/or

vi. Issue a writ, order or direction in the nature of mandamus directing the respondents to with certain settled guideline by the Hon'ble Court for deiced Medical Education fees in the private collages, and they did not take any extra unnecessary amount and expense in the name of colourable heads, and/or"

3. The preliminary objection has been raised on behalf of the respondents that against the same impugned order, an appeal has also been filed by the petitioners before the appellate authority under Section 11 of the U.P. Private Professional Educational Institutions (Regulation Of Admission And Fixation Of Fee) Act, 2006 on 30.9.2026 which is pending adjudication and against the same impugned order of pay fixation, the instant writ petition has been filed. Thus, learned counsel for the respondent submits that once the effective alternative remedy is available and which has already been availed by the petitioner, ,therefore, the instant writ petition cannot be entertained at this stage.

4. In view of the aforesaid submission, the instant writ petition is **disposed of** with a direction to the appellate authority to consider and decide the aforesaid appeal, filed by the petitioners, within a period of four weeks from the date of presentation of this order before the authority concerned.

5. It is also informed by the learned counsel for the petitioner that a prayer for interim relief has also been made in the aforesaid appeal. The said prayer for interim relief shall also be considered by the appellate authority within a period of two weeks from the date of presentation of certified copy of this order.

(Anish Kumar Gupta,J.)

October 23, 2026
n.u.

Digitally signed by :-
NASEEM UDDIN
High Court of Judicature at Allahabad