

**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL**

**Writ Petition No. 305 of 2005 (S/B)**

Trilochan Bhatt s/o Late Sri Prem Ballabh Bhatt,  
R/o Kartike Colony, Kusumkhera, Haldwani  
District Nainital

.....

Petitioner

**Versus**

1. Director of Education, 2 Subhash Road,  
Secretariat Complex, District Dehradun.
2. District Inspector of Schools, District Pithoragarh
3. State of Uttaranchal through Secretary Education,  
Uttaranchal Government, District Dehradun.
4. State of U.P. through Secretary Education,  
Lucknow.
5. Director of Education, Sarojini Road,  
Allahabad.

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Respondents

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Sri Jagdish Singh Bist, Advocate for the petitioner.

Sri J.P. Joshi, Additional Chief Standing Counsel for respondents 1 to 3.

Smt. Beena Pande, Standing Counsel (U.P.Govt.) for respondents 4 and 5.

**Coram: Hon'ble Rajeev Gupta, C.J.**  
**Hon'ble J.C.S. Rawat, J.**

**RAJEEV GUPTA, C. J. (Oral)**

Sri Jagdish Singh Bist, Advocate for the petitioner.

Sri J.P. Joshi, Addl. Chief Standing Counsel for respondents 1 to 3.

Smt. Beena Pande, Standing Counsel (U.P. Government.) for  
respondents 4 and 5.

They are heard.

2. The learned counsel for the respondents have raised a preliminary objection about the maintainability of the writ petition on the ground that the petitioner has an alternative efficacious remedy of filing a claim petition before the Public Services Tribunal for the redressal of the grievances projected in the writ petition.

3. Sri Jagdish Bist, the learned counsel for the petitioner could not demonstrate as to how the alternative remedy of filing the claim petition before the Public Services Tribunal is not efficacious in the present case.

4. In this view of the matter and following the Division Bench decisions of this Court in the cases of **Bhuwan Chandra Pandey and others Vs. State of Uttaranchal and others** reported in **2006 (2) U.D. 439** and **Nanda Ballabh Pant Vs. State of Uttaranchal and others (W.P. No. 257 (S/B) 2005)**, we decline to exercise our discretionary jurisdiction under Article 226 of the Constitution of India.

5. The writ petition, therefore, is dismissed with the liberty to the petitioner to avail the alternative remedy of filing a claim petition before the Public Services Tribunal for the redressal of the grievances projected in the writ petition and also seek the condonation of delay in filing the claim petition on the ground that the petitioner was pursuing this writ petition under *bona fide* belief:

**(J.C.S. Rawat, J.)**  
30.03.2007

**(Rajeev Gupta, C.J.)**  
30.03.2007

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