IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

ON THE 6th OF DECEMBER, 2022

WRIT PETITION No. 26313 of 2022

BETWEEN:-

PUSHPA SHUKLA D/O NARAYAN SHUKLA, AGED ABOUT 59 YEARS, OCCUPATION: SERVICE 1261/26, NANDA NAGAR, INDORE (MADHYA PRADESH)

.....PETITIONER

(BY MS. ARCHANA MAHESHWARI, LEARNED COUNSEL FOR THE PETITIONER THROUGH LEGAL AID.)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH PRINCIPAL SECRETARY VALLABH BHAWAN, BHOPAL (MADHYA PRADESH)**

2. **DISTRICT EDUCATION OFFICER MHOW NAKA DISTT. INDORE (MADHYA PRADESH)**

3. **CHAIRMAN MANAGEMENT SAMITI SHRI KAMLA NEHRU GIRLS HIGHER SECONDARY SCHOOL SANYOGITAGANJ INDORE (MADHYA PRADESH)**

4. **PRINCIPAL SHRI KAMLA NEHRU GIRLS HIGHER SECONDARY SCHOOL 9, SANYOGITAGANJ INDORE (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI AMIT SINGH SISODIA, LEARNED GOVT. ADVOCATE FOR RESPONDENTS/STATE ON ADVANCE COPY.)

This petition coming on for hearing on admission this day, the court passed the following:

ORDER

The petitioner has filed the present petition challenging the order dated 15.10.2022 whereby the respondent No.4 has rejected her representation for

grant of salary for the month of May, 2022.

By the impugned order the representation of the petitioner has been rejected on the ground that she did attend the duties. It has also been observed that for the month of May, 2022 the entire staff has attended the duties on an oral instruction but the petitioner did not attend the duties. All these are the disputed questions of fact which cannot be examined by this Court in a petition under Article 226 of the Constitution of India. Even otherwise, the school in which the petitioner is serving is a non-Government aided school, therefore, it is not amenable to the writ jurisdiction of this Court. Even, two days' salary has been disbursed to the petitioner and for the remaining period she has been denied as she did not attend the duties.

The petition is accordingly dismissed in *limine*.

(VIVEK RUSIA)
JUDGE

Alok

Digitally signed by ALOK GARGAV
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