



SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	04.12.2024		WPSB No. 320 of 2016 <u>Hon'ble Manoj Kumar Tiwari, A.C.J.</u> <u>Hon'ble Vivek Bharti Sharma, J.</u> 1. Mr. Amar Murti Shukla, learned counsel for petitioner. 2. Mrs. Mamta Bisht, learned counsel holding brief of Mrs. Bina Pande, learned counsel for respondent no.1. 3. Petitioner was appointed as Assistant Manager (Legal) in University of Petroleum and Energy Studies, Dehradun on 16.07.2015. His services were terminated vide order dated 19.04.2016. In this Writ Petition, petitioner has challenged his termination by the said order. 4. It is contended by learned counsel for petitioner that since petitioner's services were confirmed vide order dated 04.01.2016, therefore, he could not have been terminated, without holding regular disciplinary enquiry. It is further contended that the impugned termination order does not indicate any reason for termination of petitioner's services. 5. Per contra, Mrs. Mamta Bisht, learned counsel holding brief of Mrs. Bina Pande, learned counsel for University of Petroleum and Energy Studies submits that this Writ Petition is not maintainable, as University of Petroleum and Energy Studies is neither getting any financial aid from the Government – Central or State, nor the Government is exercising administrative control over its affairs. A statement to this effect is made in paragraph no. 5 of the counter affidavit of respondent



no. 1, which is extracted below:

“5. That the Respondent is not a state aided university and therefore is not a state within the meaning of Article 12 of the Constitution of India and therefore in light of this sole ground the present Petition is not maintainable and is liable to be dismissed.”

6. No rejoinder affidavit has been filed by petitioner. Thus, the averment made in paragraph no. 5 of the counter affidavit of respondent no. 1 remains uncontroverted.

7. Law is well settled that a body, which is under direct administrative and financial control of the State alone, can be treated as a State under Article 12 of the Constitution of India. There is no dispute that University of Petroleum and Energy Studies is a private University, which is neither getting any aid from the Government – Central or State, nor the State or Central Government is exercising administrative control over its affairs. Therefore, in view of the law laid down by the Hon’ble Supreme Court in the case of *Pradeep Kumar Biswas v. Indian Institute of Chemical Biology and Ors.*, (2002) 5 SCC 111, we are of the opinion that this Writ Petition would not be maintainable.

8. Accordingly, the present Writ Petition is dismissed as not maintainable, with liberty to petitioner to approach the appropriate forum

9. Pending application(s), if any, also stand disposed of.

(Vivek Bharti Sharma, J.)

04.12.2024

Rahul

(Manoj Kumar Tiwari, A.C.J.)

04.12.2024