

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9161 of 2001

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Rajiv Ranjan Kumar, Son of Sri Mauleshwar Prasad Singh, resident of Village +
P.O- Sirnawan, P.S.- Harnaut, District- Nalanda.

.... Petitioner/s

Versus

1. The Chairman, Khadi Gramodyog Commission, Sekhpura, Patna.
2. M/s Begusarai Zila Khadi Gramodyog Sangh, through Sri Ranbir Singh, The Secretary, Begusarai Zila Khadi Gramodyog Shangh, Head Office (infront of College Collegiate School, Begusarai, P.S. and District- Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s : Mr. Madhukar Krishna Sinha, SC 1

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

Date: 10-08-2015

No one has appeared on behalf of the petitioner.

2. The prayer of the petitioner in this writ application reads as follows:

"1.(i) That, the office order issued by the Secretary, Begusarai Zila Khadi Gramodyog Sangh, Begusarai dated 11.05.2000 as contained in Annexure-1 be quashed.

(ii) That, an appropriate Writ or direction be issued commanding the respondents to allow the petitioner to work on the post of Khadi Worker in terms of his appointment letter dated 29.04.1998 as contained in Annexure-1A to this writ application."

3. At the outset, learned counsel for the State has taken an objection with regard to maintainability of the writ application stating that Begusarai District Khadi Gramodyog Shangh which had allegedly appointed the petitioner and also terminated his service, is not a 'State' within meaning of Article 12 of the Constitution of India inasmuch as it is only a registered society having no deep pervasive control of the State and infact also does not fulfil the test prescribed by

the Apex Court in the case of **Ajay Hasia Vs. Khalid Mujib Sehravardi & Ors.** reported in **1981 SC 487** and **Pradeep Kumar Biswas Vs. Indian Institute of Chemical Biology** reported in **(2002) 5 SCC 111**.

4. This Court finds force in such submission of the learned counsel for the State inasmuch as it is only in the case of the employees of the Bihar State Khadi Gramodyog Board, which is a statutory body against which a writ application would lie. The registered societies which are working under the aegis of the Board are not the statutory body and as such the petitioner's appointment or his termination cannot be made subject matter of a writ application under Article 226 of the Constitution of India.

5. In that view of the matter, this writ application fails and is, accordingly, dismissed.

(Mihir Kumar Jha, J)

Sujit/-

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