

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M.GANGA RAO

+ Writ Appeal Nos.996 and 998 of 2015

% Date: 28-12-2017

1. R.M. Ramesh Babu, S/o Narayya, Aged 46 years,
Occ: Program Asst./Farm Manager, R/o Bapatla, Guntur;
and 9 others
... Appellants (in W.A.No.996/2015)

1. M.Rama Sharma, S/o Chandra Dutta Sharma, Aged 42 years,
Occ: Watchman, R/o Vinayashram, Cherukupalli, Guntur Dist.;
and 2 others
... Appellants (in W.A.No.998/2015)

Vs.

\$ 1. Union of India, Rep. by its Secretary,
Ministry of Agrl. & Coop., New Delhi
2. The Secretary, Dept. of Agrl. Research & Edn. &
Director General, Indian Council of Agrl. Research,
Krishi Anusandhan Bhavan, New Delhi
3. The Zonal Project Director, Zonal Project Directorate,
Zona V, CRIDA Campus, Santhoshnagar, Hyderabad
4. The Chairman, Prof. N.G. Ranga Krishi Vigyan Kendra,
Kavuru, Vinayashramam, Cherukupalli (M), Guntur Dist.
5. Prof. N.G. Ranga Krishna Vigyan Kendra,
Kavuru, Vinayashramam, Cherukupalli (M), Guntur Dist.
... Respondents

! Counsel for Appellants: Mr. K.Sai Ram Murthy &
Mr. V.Ramakrishna Reddy

Counsel for Respondent No.1: Mr. K.Lakshman, SC for CG
Counsel for Respondents 2&3: Mr. Raja Shekar Rao Salvaji
Counsel for Respondent No.4: Mr. C.V.R. Rudra Prasad
Counsel for Respondent No.5: Mr. M.R.S. Srinivas

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? Cases referred:
1. 2015 SCC OnLine SC 1321

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Common Judgment: (per V.Ramasubramanian, J.)

Aggrieved by the dismissal of two writ petitions filed by persons employed by the 5th respondent herein, on the ground that the 5th respondent is not a State within the meaning of Article 12 of the Constitution of India, the employees have come up with the above writ appeals.

2. Heard Mr. K.Sai Ram Murthy and Mr. V.Ramakrishna Reddy, learned counsel appearing for the appellants in both the writ appeals, Mr. Raja Shekar Rao Salvaji, learned counsel appearing for the respondents 2 and 3, and Mr. C.V.R. Rudra Prasad, learned counsel appearing for the 4th respondent.

3. The appellants herein filed two writ petitions seeking the issue of Writs of *mandamus* to direct the respondents to pay salaries for the period from 01-5-2009 to 31-3-2010 and to continue to pay salaries in future in terms of their orders of appointment. The grievance of the appellants in their writ petitions was that they have been working in various capacities, in the 4th respondent society which is funded by the respondents 2 and 3 and that the 4th respondent society institute which was registered as an autonomous body, went into a crisis due to the disputes that arose between persons

in management of the society and that as a consequence, salaries of staff were not paid.

4. The 2nd respondent herein, which is the Indian Council of Agricultural Research (ICAR), admitted two facts viz., (a) that the 4th respondent is an autonomous body and (b) that it is wholly funded by the ICAR. In addition, they also contended that apart from funding, they had nothing to do with the 4th respondent allowing the 4th respondent to spend the money in the manner that they liked without any control. The contention of the ICAR was that they merely had a contractual relationship with the 4th respondent and that if the 4th respondent did not fulfill the objects for which funds were given, it merely tantamounted to a breach of contract.

5. In other words, the contention of the respondents was that the writs were not maintainable in view of the fact that the reliefs sought were against the autonomous institution, which was not a State within the meaning of Article 12 of the Constitution of India. The said contention was accepted by the learned single Judge and without going into the merits, the learned single Judge dismissed the writ petitions on the ground of maintainability. Therefore, the employees are before us.

6. It is too late in the day for the respondents to take a stand that an autonomous body which is wholly funded by them, merely had a contractual relationship with them. After all, the funds pumped in by the 2nd respondent to the

4th respondent institution, were public funds and it was the duty of the 2nd respondent to pull up the 4th respondent for their accountability. So long as an institution, even if it be an autonomous body, is in receipt of funding from the Government of India, the said institution is answerable not only to the Government but also to the public.

7. Even in cases where not a single penny is advanced by the State, an institution may come within the purview of “any other person”, within the meaning of Article 226 of the Constitution of India, if such person were to perform public duties. The 4th respondent, we hope, was expected by the 2nd respondent to perform public duties. If the 4th respondent was not expected to perform public duties, the 2nd respondent had no business to fund them by entering into a contract with them.

8. In ***Janet Jeyapaul v. SRM University***¹, the Supreme Court made it clear that if an institution is obliged to perform public duties, it is amenable to the writ jurisdiction of this Court.

9. Article 226 of the Constitution of India makes not only an institution which is a State, but also any other person amenable to the writ jurisdiction of this Court, provided certain parameters are satisfied. In this case, despite the fact that the 4th respondent is a society, functioning from a building owned by them and discharging functions in

¹ 2015 SCC OnLine SC 1321

accordance with the bye-laws, they were admittedly wholly funded by the ICAR for certain public purposes. Therefore, they cannot escape amenability to the writ jurisdiction of this Court. Hence, the writ appeals are allowed, the order of the learned single Judge is set aside and the matter remanded back for a consideration on the merits. The miscellaneous petitions, if any, pending in these writ appeals shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

M.GANGA RAO, J.

28th December, 2017.
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AND
HON'BLE SRI JUSTICE M.GANGA RAO

Writ Appeal Nos.996 and 998 of 2015
(per VRS, J.)



28th December, 2017.
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