

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 3368 OF 2007**

Dr. Vivekanand Sahu S/o Shri Kashi Ram Sahu, aged about 36 years, Occupation Doctor (terminated Resident Medical Officer), Raipur Homeopathic Medical College and Hospital R/o C/o B.R. Sahu, Pragati Nagar, Camp-1 Beside Durga Mandir Bhilai Chhattisgarh.

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Versus

1. Raipur Homeopathic Medical College and Hospital, Raipur Through, President Raipur Homeopathic And Bio-Chemic Association, Ramkund Raipur, Chhattisgarh.
2. Principal, Raipur Homeopathic Medical College And Hospital, Ramkund, Raipur
2. Dr. Sukhnandan Sonker, President Raipur Homeopathic And Bio-Chemic Association, Ramkund Raipur C.G
4. Dr. Satyajeet Thakur Then Principal Raipur Homeopathic Medical College and Hospital, Ramkund Raipur C.G, R/o. Lilly Chowk, Purani Basti, Raipur Chhattisgarh.
5. Shri. Vishnu Datt Baghel, Secretary Raipur Homeopathic And Bio-Chemic Association, Near Shitla Mandir, Ramkund Raipur C.G

... Respondent(s)

For Petitioner	:	Shri Atul Pandey, Advocate.
For Respondent-State	:	Shri S.P. Kale, Advocate

Hon'ble Shri Justice P. Sam KoshyOrder on Board20.02.2019

1. Before the petitioner started his argument the Counsel appearing for the respondent has raised an objection so far as the maintainability of the writ petition .
2. The objection was that, since the respondent No. 1 Medical College was a private unaided institution therefore the petition as such may not be maintainable. This objection has been raised by the respondents in their reply also at the initial stage itself.
3. In view of the categorical submissions made by the counsel for the respondent which has not been disputed by the petitioner, this Court taking into consideration the judgment passed by this court in WP 532 of 1999 and WP 1948 of 1996 decided on 28.09.2015 is of the view that since the respondent establishment do not receive any grant in aid from

the State Government, therefore the respondents would not come within a purview of State under Article 12 of Constitution of India. In the absence of receiving any aid from the State Government the status of respondent is purely a private entity. It is settled position of law that writ can not be issued against a private entity. Moreover the dispute in the instant case is a pure employer employee dispute which would not otherwise fall within the ambit of public law element as it is a contract of employment which is in dispute between petitioner with the respondents.

4. Given the said fact, this court is of the opinion that the writ petition as such would not be maintainable. The non entertaining of the present writ petition by this Court would not preclude the petitioner from challenging the said order before an appropriate forum if he so chooses.
5. The writ petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
Judge