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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.13899 of 2020
Date of decision: 09.09.2020

Ajay @ Ajay Sharma

.....Petitioner(s)

V/s.

Servants of the People Society

.....Respondent(s)

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Priyanshu Kamra, Advocate for the petitioner.

Sanjay Kumar, J.

By way of this petition filed under Article 226 of the Constitution, the petitioner seeks to assail his removal from the post of Manager of Lala Lajpat Rai Dharamshala, Abohar. This removal was effected by order dated 11.08.2020 passed by the Secretary of the Servants of the People Society, the respondent herein. The respondent-Society is a registered society. It is stated to have been founded by renowned freedom fighter, late Shri Lala Lajpat Rai. It is, in essence, a private society. Ordinarily, the public law remedy of a writ petition would not be available for redressal of a grievance against a private society of this nature.

Mr. Priyanshu Kamra, learned counsel for the petitioner, would however contend that the respondent-Society would come within the ambit of 'authority' in the context of Article 226 and would therefore be amenable to the writ jurisdiction of this Court. He would rely upon the observations

made by the Supreme Court in '**Andi Mukta Sadguru Shree Muktarjeet Vandas Swami Suvarna Jayanti Mahotsav Smarak Trust V/s. V.R. Rudani**' [1989 (2) SCC 691].

However, no material has been placed on record in proof of the respondent-Society performing a public duty. Pertinent to note, the term 'public duty' would have to be understood in the correct perspective and it would not suffice if the respondent-Society is merely rendering public service. The respondent-Society must be shown to be undertaking services or duties which would ordinarily be attributable to the State, as the repository of public duties and obligations, be it under a statute or in the realm of its sovereignty.

Viewed in this context, there is no material produced by the petitioner to infer that the respondent-Society would come within the ambit of an 'authority' in terms of Article 226 of the Constitution.

The writ petition is accordingly dismissed on this short ground.

This order shall however not preclude the petitioner from filing a case afresh with supporting material, if any, to establish that the respondent-Society partakes of a public character to the extent of rendering it amenable to writ jurisdiction.

No order as to costs.

(SANJAY KUMAR)
JUDGE

09.09.2020

rakesh

whether speaking/non speaking : Yes/no

whether reportable/non reportable : Yes/no