

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

(Heard through VC)

CWP No.15435 of 2020 (O&M)
Date of Decision: October 05, 2020

Pretika Sandhu

...Petitioner

Versus

Union of India and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Himani Kapila, Advocate
for the petitioner.

Ms. Mansi Bansal, Advocate
for respondent No.1-UOI.

JAISHREE THAKUR, J. (Oral)

1. This is a writ petition that has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order of termination dated 31.08.2020 of the petitioner as well as for grant of maternity benefits.

2. The petitioner herein was working with respondent No.3- MethodHub Software Private Limited. During the course of performing her duties, on 24.02.2020 she found out that she was pregnant. The petitioner informed the respondent- company on 08.05.2020 about her pregnancy through email and subsequently, on dated 31.08.2020, she sought maternity leave for 26 weeks through email. However, respondent No.3 terminated the

job of the petitioner.

3. Counsel for the petitioner would argue that act of respondent No.3 in terminating the services of the petitioner, is in violation of Articles 39 and 42 of the Constitution of India. It is also contended that the petitioner is liable for the benefits under the Maternity Benefit Act, 1961.

4. I have heard learned counsel for the petitioner and find that respondent No.3 is a private entity. Respondent No.3 is not a 'State' nor an 'instrumentality' or an 'agency' of the Government within the meaning of Article 12 of the Constitution of India and thus, would not be amenable to writ jurisdiction. This court could have issued notice in case the petitioner was able to establish that the respondent company was performing a public duty, which is not the case. Respondent no 3 is a software development company.

5. In view of the above, the instant petition is hereby dismissed being not maintainable, giving liberty to the petitioner to avail of her proper remedy in accordance with law.

October 05, 2020

vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No