

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
WRIT PETITION NO. 160 OF 2020

Sandeep s/o Suresh Gadekar

vs.

State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. M.M.Akhtar Jamal, Advocate for the Petitioner.
Ms.Kalyani Deshpande, AGP for Respondent No.1.

**CORAM : NITIN JAMDAR &
ANIL S. KILOR, JJ.**

DATED : 12 JANUARY 2021

Heard learned counsel for the Petitioner.

2. The Petitioner has challenged order dated 27/03/2019 passed by Respondent No.4 – Orange City Hydraulic Works Pvt. Ltd., terminating the services of the Petitioner.

3. The order of the appointment of the Petitioner issued by Respondent No.4 is on record, which show that he was appointed as a Manager. As to how a Writ can be issued to respondent No.4, the learned counsel for the Petitioner has drawn attention to paragraph 2 of the Petition, where the particulars

have been provided in respect of Respondent No.4. It is stated that Respondent No.4 is a company incorporated under the Companies Act and Respondent Nos.2 and 3 i.e. City of Nagpur Municipal Corporation and Nagpur Environmental Service Limited have given a contract to Respondent No.4 to supply water to Nagpur City.

4. The relying on the position that the Respondent No.4 is supplying water and decision of the Apex Court in the case of *Maharashtra Chess Association vs. Union of India and others*¹ learned counsel contends that the Respondent No.4 is amenable to writ jurisdiction of this Court for the purpose of issuing the writ as sought for.

5. It is not possible to agree with this submission. The relationship between the Petitioner and the Respondent No.4 is of a contract, also the relationship of Respondent No.4 with Respondent Nos.2 and 3. Merely because Respondent Nos.2 and 3 have entered into a contractual relationship with Respondent No.4 for supply of water, it does not result in a position that Respondent No.4 is also to be treated as an Authority under Article 12 for the purpose of this dispute in hand, which remains a

1) Civil Appeal No.5654 of 2019 @ Special Leave Petition (C) No. 29040 of 2018

contractual dispute between Petitioner and the Respondent No.4 and the Petitioner cannot be stated to be in public service.

6. The Petitioner has remedy open against the impugned order in the appropriate forum.

7. Writ Petition is accordingly dismissed.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]