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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

24 WRIT PETITION NO.4384 OF 2022

**GULABRAO VYANKATRAO PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

....

Mr Sandesh R. Patil, Advocate for petitioner;
Mr S. G. Karlekar, A.G.P. for respondent No.1

**CORAM : RAVINDRA V. GHUGE
AND
SANJAY A. DESHMUKH, JJ.**

DATE : 5th December, 2022

PER COURT:

1. The petitioner, without issuing a notice under Form-I (Rule 7) of the Payment of Gratuity (Central) Rules, 1972, demanding payment of gratuity from the employer, which is a private Education Society, has directly approached this Court for seeking issuance of a Writ of Mandamus. He desires that the gratuity amount be quantified and payment be made.
2. The respondent/private Education Society is not 'State' under Article 12 of the Constitution of India. A Writ of Mandamus, therefore, cannot be issued.

(2)

3. In view of the above, this petition is disposed off with liberty to the petitioner to issue a notice under Form-I to the employer and claim the entire gratuity amount, as is assessed by the petitioner.

4. Needless to state, if the respondent refuses to pay the gratuity, the petitioner can avail of the remedy, by preferring an application in Form 'N' under the Payment of Gratuity Act, 1972, before the Controlling Authority for seeking payment of gratuity, interest and penalty.

5. All contentions of the litigating parties are kept open.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)

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