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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5446 OF 2015

Dr. Ratnakar R. Chitte

..... Petitioner

Vs.

The MACS Agharkar Research
Institute & Anr.

..... Respondents

Mr. Sugandh Deshmukh for the Petitioner
Mr. Nitin P. Deshpande for Respondent No.1

**CORAM: S.V. GANGAPURWALA &
DHIRAJ SINGH THAKUR, JJ.**

DATED : JUNE 16, 2022

P.C.

1 The Petitioner was appointed as a Research Scientist with Respondent No.1, initially under appointment order of the year 2008 and subsequent Office Order dated 8th January 2010. The Petitioner's services came to be determined under communication dated 23rd December 2014. The same is assailed in the present Writ Petition.

2 The learned Counsel for the Petitioner submits that though the appointment of the Petitioner was on a fixed tenure, Clause 18 of the Bye-laws of Respondent No.1 provides for continuation of the appointment beyond the said term till the employee attains the age

of superannuation. According to the learned Counsel, if Respondent No.1 does not want to continue the employment of the present Petitioner, it has to give reasons. No such reasons are forthcoming. The action is arbitrary and does not stand to reason. The learned Counsel further submits that the Writ Petition filed by it, is maintainable though Respondent No.1 is registered under the Societies Registration Act, 1860 and Bombay Public Trusts Act, 1950. The dominant control is of the Government. As the dominant control is of the Government and the funds are also provided by the Government, Respondent No.1 is instrumentality of the State Government. The learned Counsel relies on the judgment of the Apex Court in the case of *Pradeep Kumar Biswas Vs. Indian Institute of Chemical Biology and Ors.*¹

3 The learned Counsel for the Respondents submits that the present Writ Petition is not tenable inasmuch as Respondent No.1 is the Society registered under the Societies Registration Act and the Bombay Public Trusts Act, as such, is not a “State” within the meaning of Article 12 of the Constitution of India. The learned Counsel further submits that the appointment of the Petitioner was for a fixed tenure. Respondent No.1 did not want to continue further with the employment of the Petitioner.

1 (2002) 5 SCC 111.

4 We have considered the submissions canvassed by the learned Counsel for the parties. The appointment order of the Petitioner dated 8th January 2010 is abundantly clear and specific. The Office order appointing the Petitioner itself states that the Petitioner is appointed as a Scientist-C in the Microbial Division for a period of five years with a probation period of one year. The Petitioner completed the probation period of one year and now under the impugned communication, upon completion of tenure of five years, the Authority decided to end the appointment of the Petitioner. The appointment of the Petitioner was for a fixed tenure. It was a tenure appointment. Clause 18 of the Bye-laws relied by the Petitioner would not be to any avail to the Petitioner inasmuch Clause 18 gives discretion to the Institution to continue the services, if it so desires. The appointment letter of the Petitioner is specific. It is a tenure appointment. Upon the end of the tenure, the Petitioner would not have vested right to continue with the employment. The letter putting an end to the employment does not attach any stigma.

5 In the light of the above, we do not find any merit in the contention of the Petitioner for continuation of the appointment and assailing the impugned communication.

6 We have not entered into the merits of the matter and legal

intricacies of the maintainability of the Writ Petition, as mentioned by the learned Counsel for the Petitioner.

7 The Writ Petition is disposed of. No costs.

(DHIRAJ SINGH THAKUR, J.)

(S.V. GANGAPURWALA, J.)