

20.12.2023.
Court No.13
Item No. 6
ap

W.P.A. No. 16147 of 2023
With
I.A. No. CAN 1 of 2023
Anita Pore
Versus
Union of India & Ors.

Mr. Pritam Majumder,
Mr. Rahul Deb Goenka.

...For the petitioner.

Ms. Chandreyi Alam,
Ms. Runu Mukherjee.

...For the UOI.

1. Affidavit-of-service filed in Court today be taken on record.
2. The petitioner is aggrieved that she was demoted from the post of Coordinator to that of the Attendant by the respondent nos.4 and 5, namely, M/s. GVK Emergency Management and Research Institute and M/s. EMRI Green Health Services.
3. This Court notes that the said two respondents are privately controlled and the State has no role to play in its management or functioning.
4. The argument of the learned Counsel for the petitioner, that the respondent nos.4 and 5 implement certain public functions of the State, namely, Janani Sishu Suraksha Karyakram sponsored by the Central Government, cannot bring them within the expression "State" under Article 12 of the Constitution of India.
5. There is even otherwise no public element in a purely private engagement and/or employment

between the petitioner and the respondent nos.4 and 5.

6. For the reasons stated above, the instant writ petition must fail and is hereby dismissed.

7. It is, however, made clear that this Court has not entered into the merits of the claim of the petitioner vis-à-vis the private respondents. Liberty is reserved to the petitioner to approach an appropriate forum, civil or statutory, to seek remedies for her grievances against the private respondents.

8. In view of dismissal of the main writ application, the connection application being CAN 1 of 2023 is also dismissed.

9. There will be no order as to costs.

10. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)