



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 8181 OF 2023

Yogeshwar Vidyadhar Kalkonde

-Vs.-

Union of India and others

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

Mr. Anand Parchure, counsel for the petitioner.
Mr. V.A.Bramhe, counsel for the respondent No.1.

**CORAM : AVINASH G. GHAROTE &
ANIL L. PANSARE, JJ.**

DATE : 9TH JANUARY, 2024

CIVIL APPLICATION (W) NO.40 OF 2024

The present application seeks amendment of the petition, in view of the order of this Court dated 12/12/2023. Considering that the notices have not been issued, the application is allowed and disposed of. The addition be carried out forthwith.

WRIT PETITION NO. 8181 OF 2023

This Court by order dated 12/12/2023, had asked the learned counsel for the petitioner to satisfy, that the respondent Nos.2 and 3 were amenable to writ jurisdiction by taking them to be the "State" within the meaning of Article 12 of the Constitution of India.

2. Mr. Parchure, learned counsel for the petitioner, submits that the funding to the respondent No.3 by the

respondent No.2, who would make it amenable to the jurisdiction of this Court, as it falls within the definition of "State", considering that the Department of Biotechnology is one of the components of the respondent No.2.

3. A perusal of the averments in para-3 of the petition indicates, that the respondent No.2 is an independent organization registered as a Charitable Trust in India, working towards the promotion of biomedical research in India through funding and engagement. It is in fact a joint undertaking of the Welcome Trust, United Kingdom and the Department of Biotechnology. It is on account of the funding by the said Trust-respondent No.2, that the petitioner, who had joined the respondent No.3-Trust on 07/02/2011 as in-charge, Rural Chronic Non-Communicable Diseases Research Programme and Consultant in Medicine and Neurology was granted a fellowship to the respondent No.3. After the research was submitted, its publication, was the job of the respondent No.2. The above position would clearly indicate, that the respondent No.2 is a Charitable Trust, which is admittedly registered as such. Though the Department of Biotechnology is a component of the Trust, that by itself, cannot make the respondent No.2 to a "State" within the meaning of Article 12 of the Constitution of India, as nothing has been pointed out to indicate that it is substantially funded by the State or the State is having control over the Management. In that light of the matter, we are not willing to accept the respondent No.2 as a "State" on account of which, the present petition is not

maintainable. The petition is therefore dismissed as such.
No costs.

4. Needless to mention that the petitioner would be at liberty to seek redress in any other forum where permissible in law.

(ANIL L.PANSARE,J)

(AVINASH G.GHAROTE,J)