



WEB COPY

W.P.No.27635 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2025

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.27635 of 2019

and

W.M.P.No.27157 of 2019

Mrs.M.Elavarasi

... Petitioner

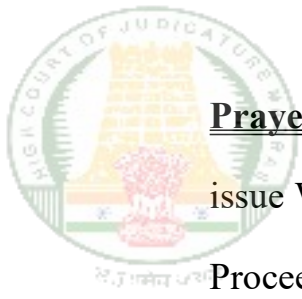
vs

1. The Director,
Directorate of Collegiate Education,
College Road, Chennai – 600 006.

2. The Secretary,
Sriram Educational Trust,
No.49, Anna Salai,
Chennai – 600 002.

3. The Principal,
Sriram College of Arts & Science,
Perumalpattu – 602 024
Thiruvallur District.

... Respondents



Prayer: Writ Petition is filed under Article 226 of Constitution of India, issue Writ of Certiorari and Mandamus, to call for the records relating to the Proceedings of the second respondent dated 30.08.2019 in proceedings No.0704/SRET/2019 and quash the same and to direct the respondents to take the petitioner into the service as the Assistant Professor in the third respondent College and to pay salary from September 2019.

For Petitioner : Mr.M.MD.Ibrahim Ali

For Respondents : Mr.C.Guathamaraj
Government Advocate for R1
: Mr.K.J.Parthasarathy for R2 & R3

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate for the first respondent and the learned counsel for the second and third respondents and perused the records.

2. The case of the petitioner in brief is that she is appointed in the third respondent College as Lecturer in Computer Science Department on 16.06.2008 and was removed from service on 30.08.2019 *vide* proceedings



No.0704/SRET/2019, which action of the respondent is highly illeg

arbitrary and contrary. Thus, the petitioner seeks for a direction to the third respondent to take the petitioner into service as Assistant Professor and pay salary from September, 2019 onwards.

3. *Per contra*, learned counsel appearing on behalf of the third respondent submitted that the present writ petition is not maintainable at all, since, the second respondent/Institution cannot be considered as a State under Article 12 of the Constitution of India, to be amenable to Writ Jurisdiction.

4. In support of the aforesaid contention of the learned counsel for the second and third respondents, placed reliance on the following Judgments:

(i) 2016 SCC Online SC 743 in the case of Committee of Management, La Martiniere College Lucknow, Thr. its Principal and Anr. Vs. Vatsal Gupta and Ors.



(ii) 2018 SCC Online Cal 12685 in the case of Srikanta

Maity Vs. State of West Bengal and Others.

(iii) 2019 (7) SCC 513 in the case of Trigun Chand

Thakur Vs. State of Bihar and Others.

(iv) 2023 (4) SCC 498 in the case of St.Mary's

Education Society and another Vs. Rajendra Prasad

Bhargava and others.

(v) 2024 SCC Online SC 1683 in the case of Army

Welfare Education Society New Delhi Vs. Sunil Kumar

Sharma and Others.

5. I have taken note of the respective contentions.

6. Admittedly, the second and third respondents are not State in terms of Article 12 of the Constitution of India for the petitioner to invoke the Writ jurisdiction assailing the action of the third respondent in terminating the services of the petitioner by the impugned proceedings dated 30.08.2019.

Since the second and third respondents cannot be considered as State under



Article 12 of the Constitution of India, the dispute between the petitioner

and the second and third respondents would be a dispute in private domain

and the action of the second respondent in terminating the services of the petitioner, cannot be considered as in relation to public duty for the petitioner to approach this Court.

7. Further, it is to be noted that the Apex Court in the case of *St. Marys Education Society and another v. Rajendra Prasad Bhargava and others ((2023) 4 SCC 498)*, had dealt with the power of judicial review under Article 226 of the Constitution of India and held that the power can be exercised, *even if body against which action is sought, is not “State” or instrumentality of “State”, provided there is public element in action complained of.*

8. As noted herein above, since, the dispute between the petitioner and the second and third respondents being in relation to employment, the same



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cannot be considered as involving public element for the petitioner

maintain the present Writ Petition.

9. Accordingly, this Court is of the view, the Writ Petition is devoid of merits and is misconceived.

Accordingly, this Writ Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

27.10.2025

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

dh



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T. VINOD KUMAR, J.

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