

23rd June, 2026
(D/L No.09)
Ct. No.4
(SKB)

M.A.T. 1878 of 2025
With
CAN 1 of 2025
CAN 2 of 2025

Keka Samanta
Versus
The State of West Bengal and others

Mr. Sabyasachi Chatterjee,
Mr. Kiron Sk.,
Ms. Monalisha Sinha
... for the appellant.

Mrs. Chandreyi Alam, Id. AGP,
Ms. Runu Mukherjee
... for the State.

1. Affidavit of service is taken on record.

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2. There is a delay of 76 days in preferring the appeal. An application has been filed for condonation of delay.
3. Considering the averments made in the application and without any serious resistance to the condonation, the same is allowed.

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4. Heard the learned advocate for the appellant and the respondents.
5. The petitioner/appellant was appointed by a non-government organization registered under West Bengal Societies Registration Act, namely, Chingra Thakuranichak Balak Sangha, Chingra, Khanakul, Hooghly on 08.10.2016 and sent to perform the functions assigned to her at the concerned hospital.

6. The appellant/petitioner was appointed by an NGO, on contract for a period of one year. Apparently, the NGO continued to provide manpower for discharging the duties in Rogi Sahayata Kendra under the National Rural Health Mission. The appellant/petitioner, therefore, continued as such till 30.03.2024, when the NGO refused to extend her services further as Rogi Sahayak in the concerned rural hospital. The appellant/petitioner assailed the communication dated 30.03.2024 on a ground that it was preceded by a complaint/show-cause issued by the hospital.
7. The writ court considered the writ petition and found that having regard to the nature of appointment given to the petitioner/appellant by an NGO, there was no master servant relationship between the petitioner and the State; and consequently, no occasion for the petitioner to invoke the writ jurisdiction.
8. The learned advocate for the writ petitioner/appellant submits that since her services were placed at the disposal of the Block Medical Officer of Health, who is an authority and comes within the meaning of State under Article 12 of the Constitution of India, there was an occasion for the petitioner/appellant to invoke the writ jurisdiction. A further submission was made that the NGO discharged a sovereign function and, therefore, the rejection of the writ petition by the writ court is not sustainable.
9. We are unable to agree with such submission advanced in support of the writ petition. The facts which are not in dispute are the appointment of the writ petitioner by the NGO

and also his termination by the NGO. The NGO cannot be considered State within the meaning of Article 12 of the Constitution of India. There was no master servant relationship with the State.

10. The writ petition, therefore, was misconceived, and rightly rejected by the learned Single Judge. We are not inclined to interfere with the order passed by the learned Single Judge.

11. We, however, leave it to the writ petitioner/appellant to avail remedies against impugned order/s if the petitioner finds the same to be stigmatic, in accordance with law.

12. The appeal is, accordingly, dismissed.

13. The application being CAN 2 of 2025 is, thus, disposed of.

(Madhuresh Prasad, J.)

(Biswaroop Chowdhury, J.)