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W.P. No.13485



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2026

CORAM

THE HONOURABLE MR. JUSTICE T. VINOD KUMAR

W.P. No.13485 of 2008

S. Budha Reddy

... Petitioner

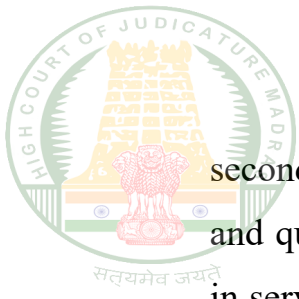
-VS-

1. The Board of Management,
Rep. By the Registrar,
Sri Chandrasekharendra Saraswathi
Viswa Mahavidhyala (S.C.S.V.M.V.),
Deemed University,
Enathur, Kanchipuram – 631 501,
Kachipuram District.

2. The Registrar,
Sri Chandrasekharendra Saraswathi
Viswa Mahavidhyala (S.C.S.V.M.V.),
Deemed University,
Enathur, Kanchipuram – 631 501,
Kachipuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order of the Registrar, Sri Chandrasekharendra Saraswathi Viswa Mahavidhyala (S.C.S.V.M.V.), a Deemed University, Enathur, Kanchipuram 631 501, Kanchipuram District, the second respondent made in Office Order No.06-07/751 dated 19.04.2007, and the order passed by the



second respondent in S/SCSVMV/REG/A/16/2008-09/D100 dated 16.04.2008 and quash the same and direct the respondents herein to reinstate the petitioner in service as Professor, Kaumarabhrityam, (Pediatrics), Sri Jayendra Saraswathi Ayurveda College and Hospital, Nazarathpet, Chennai – 602 103, with all consequential, service, attendant and monetary benefits due to the petitioner with effect from the date of dismissal, and pay all the arrears due to the petitioner within a short date that may be fixed by this Hon'ble Court.

For Petitioner : Mr. K. Rajkumar

For Respondents : No Appearance

ORDER

Heard the learned counsel appearing on behalf of the petitioner. None appeared for respondents and perused the record.

2. The petitioner, by the present writ petition has assailed the action of the second respondent in passing the order dated 19.04.2007 and further order passed by the Board of Management of the first respondent dated 16.04.2008, whereby the petitioner was dismissed from service of the first respondent.



3. The petitioner, by filing this writ petition had sought for quashing the order of his dismissal from service with a consequential relief for being reinstated with all attendant benefits.

4. When the writ petition is taken up for hearing, this Court had called upon the learned counsel for the petitioner to address this Court, on the issue of maintainability, as the respondent is a Deemed University and is not a 'State' under the Article 12 of the Constitution of India, for the petitioner to invoke writ jurisdiction against the respondents, instead of availing other remedies open to him in law.

5. The learned counsel for the petitioner contended that, since the respondent is a Deemed University, constituted under Section 3 of the UGC Act, the writ petition would be maintainable. He also submitted that this Court, at an earlier point of time had held against the respondent/ University. He further submitted that a Co-ordinate Bench of this Court in W.P.No.6066 of 2025 had held that, when a private institution doing any public service and the issue raised relates to public service, the writ petition is maintainable. He would further contend that, since the writ petition is pending on the file of this Court from the year 2008, the maintainability issue may not be looked into.



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6. I have taken note of the above said contentions.

7. At the outset it is to be noted that, mere pendency of a writ petition for a long period on the file of this Court does not confer any jurisdiction, when the Court lacks the same, more particularly, when this Court is required to consider as to whether the respondent can be conferred the status of “State” as defined under Article 12 of the Constitution of India.

8. Admittedly, the respondent is a private institution and mere grant of recognition under Section 3 of the UGC Act, 1956 as Deemed University, by itself does not confer the status of “State” on the respondents.

9. The Apex Court in the case of *St. Mary's Education Society vs. Rajendra Prasad Bhargava [2023 (4) SCC 498]*, had held a writ petition under Article 226 of the Constitution of India is maintainable against the private bodies, that performs the public function or discharge public duties. The Supreme Court however held that, every dispute of a private body is not amenable to writ jurisdiction and held that an action, which has a public law element is only amenable to writ jurisdiction.



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10. In the facts of the present case, the dispute between the petitioner and the respondents relates to the dismissal of the petitioner from service. There is no element of public duty involved, in such a dispute for the petitioner to invoke writ jurisdiction.

11. In so far as private institutions are concerned, they would be amenable to writ jurisdiction in cases like, where the respondents are required to enforce the statutory obligations, for example like, implementation of provisions of Right To Information Act, requiring the said institutions to adhere and implement the statutory provisions, even though, they are private institutions. It is for such non-implementation of statutory duties bestowed on them, the writ petition would lie. Merely because, in such circumstances a writ petition is entertainable, by itself cannot constitute the respondent being an instrumentality of the “State”, amenable to writ jurisdiction. Since the respondent cannot be considered as a “State” or instrumentality of the “State”, no writ petition can be entertained.

12. The decision of this Court relied by the petitioner would not advance the case of the petitioner, as even in the said decision, this Court had



held that issue involved should relate to public service. Further, in view of the authoritative pronouncement of the Apex Court in *St.Mary's case* cited supra, which decision binds this Court under Article 142 of the Constitution of India, the reliance placed by the petitioner on the earlier decisions of this Court is of little assistance to the case of the petitioner.

13. Accordingly, the writ petition fails and it is dismissed on maintainability. However, it is open for the petitioner to avail remedies, open to him in law, if so advised. In such event, the time spent by the petitioner before this Court, in pursuing the present writ petition shall stand excluded, applying Section 14 of the Limitation Act.

14. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition, if any stands closed. There shall be no order as to costs.

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