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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 597/2026 & CM APPLs. 2909-2910/2026

ITUSH BANSAL .....Petitioner

Through: Mr. Ajesh Kr. Chawla & Ms. Mahesh Sharma, Advocates.

versus

WEFAST INDIA PRIVATE LIMITED .....Respondent

Through: Mr. Syed Sarfaraz Karim, Mr. Harshit Goel & Mr. Mohit Gupta, Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% **28.01.2026**

1. The Petitioner was appointed as Senior People Partner (Hyperlocal) under an appointment letter dated 3rd May, 2023. The said appointment was subsequently confirmed by a communication dated 13th September, 2023.

2. The Petitioner's grievance stems from the termination of his services by the impugned communication dated 13th November, 2025.

3. In substance, the Petitioner challenges the termination as illegal and seeks a writ of mandamus directing reinstatement with consequential benefits, including back wages. Instead of pursuing remedies available under the ordinary civil law framework, the Petitioner has invoked the extraordinary writ jurisdiction of this Court under Articles 226 and 227 of the Constitution of India.

4. At the outset, the Respondent raises a preliminary objection as to

maintainability. It is urged that the Respondent is a private entity, neither owned nor controlled by the Government, and that the dispute, being rooted in a private contract of employment, does not attract writ jurisdiction. In response, the Petitioner submits that the Respondent is engaged in "Public Utility Service" within the meaning of the Industrial Disputes Act, 1947, performs functions of public significance, and is therefore amenable to writ jurisdiction.

5. The Court has considered the aforenoted contentions and finds that the objection raised by the Respondent merits acceptance. A writ court first examines whether the respondent is "State" or "other authority" within Article 12, or whether the action complained of bears a public law element that warrants judicial review in writ jurisdiction. On the pleadings as they stand, it is not even the Petitioner's case that the Respondent answers the description of "State" or "other authority" under Article 12. The petition proceeds on the narrower proposition that being a "Public Utility Service" under the Industrial Disputes Act, 1947 is, by itself, sufficient to attract writ jurisdiction. That proposition is legally untenable.

6. Amenability to writ jurisdiction does not turn on the public importance of the services rendered by an entity, or on the scale at which it operates in the marketplace. The controlling inquiry is whether the entity is subject to deep and pervasive governmental control, or whether the impugned action relates to a statutory duty or other public law obligation enforceable through mandamus. A private body may, in a limited class of cases, be amenable to writ jurisdiction where it discharges a public function of a nature akin to a statutory or governmental obligation, or where the relief sought is to enforce a public duty. However, the mere fact that an activity

serves the public, or that the entity falls within a labour law category for limited statutory purposes, does not convert every internal service dispute into a public law controversy.

7. The Industrial Disputes Act, 1947 is a remedial statute which creates specialised fora and mechanisms for the resolution of industrial disputes. The expression "public utility service" defined in the Act operates within that scheme of the said statute. It does not, by itself, convert a private employer into an authority amenable to writ jurisdiction, nor does it elevate contractual employment rights into public law entitlements enforceable by mandamus.

8. The controversy before this Court is, at its core, a challenge to a termination arising from a private contract of employment. The relief sought, namely reinstatement with back wages and consequential benefits, is in the nature of enforcing contractual employment rights. It is well settled that a writ of mandamus is not a vehicle to specifically enforce a contract of personal service or to adjudicate private disputes, in the absence of a statutory flavour, public duty, or public law element. This position has been consistently affirmed by the Supreme Court in ***Binny Ltd. v. V. Sadasivan***,[1] ***Federal Bank Ltd. v. Sagar Thomas***,[2] ***K.K. Saksena v. International Commission on Irrigation and Drainage***,[3] and ***St. Mary's Educational Society v. Rajendra Prasad Bhargava.***[4]

9. In the present case, no statutory provision is shown to have been violated in the act of termination; no public duty is identified which is

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[1] (2005) 6 SCC 657.
[2] 2003 (12) SCC 68
[3] (2015) 4 SCC 670.
[4] (2023) 4 SCC 498

sought to be enforced; and no material is pleaded to demonstrate governmental control of such a depth and pervasiveness as would dissolve the distinction between a private employer and the State. The petition, therefore, does not meet the threshold for invocation of writ jurisdiction. It is clarified that this Court has not examined the challenge on merits and all rights and contentions on the merits, including those available to the Petitioner before the competent forum, are kept open.

10. For the foregoing reasons, the petition is not maintainable and is accordingly dismissed. All pending applications, if any, are also disposed of.

SANJEEV NARULA, J

JANUARY 28, 2026/*hc*