

(2001) 05 AHC CK 0034

In the Allahabad High Court

Case No : Civil Misc. Writ Petition No. 19403 of 1991

Jai Prakash

APPELLANT

Vs

Shri Gandhi Ashram and Others

RESPONDENT

Date of Decision : 02-05-2001

Acts Referred:

Constitution of India, 1950 — Article 12, 226

Citation : (2001) 2 UPLBEC 1744

Hon'ble Judges : Anjani Kumar, J

Bench : Single Bench

Advocate : Y.K. Saxena, for the Appellant; Azit Kumar and Manu Saxena, for the Respondent

Final Decision : Dismissed

Judgement

Anjani Kumar, J.—By means of this writ petition the petitioner who is an employee of respondent No. 2, has approached this Court under Article 226 of the Constitution of India with the prayer that the order dated 19.3.1991 passed by respondent No. 2 retiring the petitioner be quashed with other consequential reliefs. An objection has been raised on behalf of the respondents placing reliance of two judgments of this Court in Writ Petition No. 3116 of 1990, Swami Nath Tewari and Ors. v. The Union of India and Ors., decided by a Division Bench of this Court dated 29th July, 1992 wherein it has been stated that in the matter of a private employment no writ petition application under Article 226 of the Constitution will lie. The other decision relied upon by the Counsel for the respondents in Writ Petition No. 9986 of 1991, Ramdev Chaubey and Anr. v. Shri Gandhi Ashram and Ors., decided on 13.9.1995 which relates to Kshetriya Shri Gandhi Ashram, Agra wherein this Court has been pleased to hold that employees of Shri Gandhi Ashram do not hold any office under any statutory authority which may come within the purview of Article 12 of the Constitution of India and as such respondent No. 1 is a private body against whom no writ can be issued under Article 226 of the Constitution of India by this Court.

2. For the principle laid down in the aforesaid two cases I am in full agreement with the Counsel for the respondents that the respondent No. 2 in the present case is a private body against whom no writ under Article 226 of the Constitution will apply. The writ petition is hereby dismissed as not maintainable. There will be no order as to costs. Interim order, if any, stands, vacated.