

Dilip Kumar Tripathi Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Oct-08-2012

Appellant : Dilip Kumar Tripathi

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Sanjeev Kumar Singh, Shri. Sanjeev K. Singh

Judgement :

dilip kumar tripathi versus state W.P.No.13280/2012 8-10-2012 Shri Sanjeev Kumar Singh, learned counsel for the petitioner.

Shri Ved Prakash Tiwari, learned Panel Lawyer for the respondent State.

Shri Naman Nagrath, learned Senior Counsel with Shri Sanjeev Mishra for respondent No.5.

Petitioner claims to be a physically handicapped person and seeks a writ of mandamus directing respondent No.5 to grant appointment to the petitioner.

Appointment is sought for only because respondent No.2 the Commissioner, Nishaktjan, Bhopal has recommended for appointment of the petitioner.

Shri Naman Nagrath, learned Senior Counsel raise a preliminary objection with regard to maintainability of this writ petition.

It is stated by learned Senior Counsel that respondent No.5 is a Private Limited Company and is not amenable to a writ jurisdiction and no mandamus can be issued to respondent No.5 for appointment of the petitioner.

Shri Sanjeev K.

Singh, learned counsel for the petitioner refutes the aforesaid and submits that as recommendation made by respondent No.2, this writ petition is maintainable.

Having heard learned counsel for the parties, it is clear that the petition is misconceived and submissions of learned counsel for the petitioner cannot be accepted.

Respondent No.5 is not a statutory authority and is a Private Limited Company and is not dilip kumar tripathi versus state State not is it amenable to jurisdiction of this Court.

Appointment to the establishment of respondent No.5 is a private dispute between the petitioner and respondent No.5 and a mandamus to respondent No.5 to compel them to enter into a contract of service cannot be ordered unless and until any statutory rights are available which can be enforced by a writ of mandamus.

Merely because respondent No.2 has made some recommendation it is not enforceable by a writ of mandamus.

This Court does not see any ground to interfere into the matter as it is a private dispute between the petitioner and a Private Company in the matter of appointment or otherwise.

No case for interference is made out in a writ petition under Article 226 of the Constitution.

Accordingly, finding the writ petition to be not maintainable against a Private Limited Company, the same is dismissed.

(RAJENDRA MENON) JUDGE Mrs.mishra