

IN THE HIGH COURT OF JHARKHAND AT RANCHI
L.P.A. No. 529 of 2025

 Dr. Shishir Kumar Yadaw, son of Late Mahadev Prasad Yadaw,
 resident of village Kurehera Tejsingh, P.O. Tilkhna, P.S.
 Mehnagpur, District Ajamgarh (U.P.)

..... Appellant.

-Versus-

1. The State of Jharkhand, through the Secretary/Principal Secretary, Higher and Technical Education, Project Building, Dhurwa, P.O. & P.S. Dhurwa, Town & District Ranchi.
2. Vinoba Bhave University, through its Registrar, Hazaribagh, P.O., P.S. & District Hazaribagh.
3. National Council for Teacher Education (NCTE), Hazaribagh, through its Regional Director, Nilkanth Nagar, Bhubneshwar, P.O., P.S. & District Bhubneshwar (Orissa).
4. The Employees Provident Fund Commissioner, Bhagirathi Complex, Karam Toli, Ranchi.
5. Sri Ramakrishna Sarada Ashrama, Teacher's Training College, Rabindra Path, P.O., P.S. & District Hazaribagh.
6. Governing Body, through its Secretary, Ramakrishna Sarada Ashrama, Teacher's Training College, Rabindra Path, Hazaribagh, P.O., P.S. & District Hazaribagh.

..... Respondents.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellant	:	Mr. Manoj Tandon, Advocate Mrs. Neha Bhardwaj, Advocate Mr. Shubham Kumar, Advocate
For the State	:	Mr. Jay Prakash, AAG-IA Ms. Ruchi Mukti, AC to AAG-IA
For Res. No.2	:	Dr. Ashok Kumar Singh, Advocate
For Res. No.4	:	Mr. Rupesh Singh, Advocate Mr. D. K. Malityar, Advocate

Order No.02

Date: 24.03.2026

1. Heard learned counsel for the parties.
2. This L.P.A. challenges the learned Single Judge's order dated 9th June, 2025 dismissing the appellant's W.P.(S) No.2394 of 2021, on various grounds.

3. The impugned order indicates that an objection was raised to the maintainability of the petition on the ground that the 5th respondent, i.e. Sri Ramakrishna Sarada Ashrama, Teacher's Training College, Hazaribagh, of which the appellant was an employee and thus questioning his termination from such employment, was not 'State' within the meaning of Article 12 of the Constitution of India.
4. Though the learned Single Judge did not decide this issue, but dismissed the petition by observing that there was no illegality or violation of principles of natural justice involved.
5. In our judgment, before embarking upon the merits of the matter, an enquiry was necessary as to whether the 5th respondent-College answered the definition of 'State' under Article 12 or there were other factors that would render the 5th Respondent amenable to the writ jurisdiction of this Court.
6. Mr Tandon, learned counsel for the appellant, submitted that the College was affiliated to Vinoba Bhave University, and this was sufficient to bring it within the ambit of Article 12.
7. Admittedly, this is not a College that receives any financial support or aid from the University, the State, or any instrumentalities of the State. There is nothing on record to show that the State or the University have any deep and pervasive control over the affairs of this College. There is also nothing on record to indicate that the appellant's service conditions are governed or controlled by any statutory provisions. Therefore, a mere affiliation would not bring this

College within the ambit of Article 12 or otherwise render its action in the realm of a non-statutory contract, amenable to a challenge under Article 226 of the Constitution.

8. In this regard, we refer to the judgment of the **Hon'ble Supreme Court in the case of St. Mary's Educational Society & anr v. Rajendra Prasad & ors., reported in (2023) 4 SCC 498**, wherein the Hon'ble Court categorically held that even if it be assumed that an educational institution is discharging public duty, the act complained of must have a direct nexus with the discharge of public duty. It is indisputably a public law action which confers a right upon the aggrieved to invoke the extraordinary writ jurisdiction under Article 226 for a prerogative writ. *Individual wrongs or breaches of mutual contracts without any public element as an integral part cannot be rectified through a writ petition under Article 226.*
9. The Hon'ble Court further held that while a body may be discharging a public function or performing a public duty and thus its actions becoming amenable to judicial review by a Constitutional Court, *its employees would not have the right to invoke the powers of the High Court conferred by Article 226 in respect of matter relating to service where they are not governed or controlled by the statutory provisions.* An educational institution may perform myriad functions that touch various facets of public life and the societal sphere. While such of those functions as would fall within the domain of a "public function" or "public duty" be undisputedly open to challenge and

scrutiny under Article 226 of the Constitution, *the actions or decisions taken solely within the confines of an ordinary contract of service, having no statutory force or backing, cannot be recognised as being amenable to challenge under Article 226 of the Constitution. In the absence of the service conditions being controlled or governed by statutory provisions, the matter would remain in the realm of an ordinary contract of service.*

10. On the above short ground, we believe that W.P.(S) No.2394 of 2021 was not maintainable and should have been dismissed even without going into the merits or demerits of the termination.
11. For the above reasons, we decline to entertain this appeal and dismiss it with liberty to the appellant to adopt the ordinary alternate remedies that may be available to the appellant, if the appellant so chooses. If the appellant does resort to such ordinary civil remedies, we clarify that nothing contained in the impugned order dated 9th June, 2025 or this order, will come in the appellant's way. All contentions of all parties on the merits and demerits of the College's action are left open.
12. The appeal is disposed of in the above terms without any order for costs.

(M. S. Sonak, C.J.)

(Rajesh Shankar, J.)

24th March, 2026
Sanjay/AKT
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