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## WRIT JURISDICTION INAPPLICABLE TO VIOLATIONS OF SERVICE RULES

Madhya Pradesh High Court (“**HC**”), in *Vikram Singh* case,<sup>1</sup> held that violation of service rules does not fall within the purview of violation of discharge of public functions. Therefore, any action taken by a private institution against its employee would not come within the purview of its writ jurisdiction<sup>2</sup>.

### **Brief Facts.**

Vikram Singh (“**Vikram**”), a workman employed by a private company, challenged an order directing his superannuation at the age of 58 years<sup>3</sup>(“**Order**”).

The Order was challenged by Vikram before the HC by a writ petition (“**WP**”).

Vikram’s former employer, the Union of India (“**UOI**”) and others were made parties (collectively referred to as “**Respondents**”).

### **Vikram’s Contentions.**

Employer was controlled by the UOI.

Early superannuation was a violation of his fundamental “right to livelihood,” making the WP maintainable.

Relying on judgments,<sup>4</sup> he asserted the proposition that writ can be issued against a private body acting as a public authority with a public duty to perform.

He also contended that as per the Madhya Pradesh Industrial Employment (Standing Orders) Rules 1963<sup>5</sup>, he was entitled to continue until the age of 60 years, and his premature retirement contravened his right to livelihood<sup>6</sup>.

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<sup>1</sup> *Vikram Singh v. Union of India and others*, 2025 SCC OnLine MP 213.

<sup>2</sup> Article 226 of the Constitution of India.

<sup>3</sup> with effect from January 31, 2025.

<sup>4</sup> *Kanshal Kishore v. State of UP*, (2023) 4 SCC 1 and *Zee Telefilms Ltd. v. Union of India*, (2005) 4 SCC 649.

<sup>5</sup> Rule 14-A

<sup>6</sup> Under Article 21 of the Constitution of India.

### **Respondents' Contentions.**

The WP was not maintainable against Vikram's employer since it is a private company.

### **HC's Judgement and Reasoning.**

The HC:

- Noted that writs can be maintainable against private persons or authorities discharging public duties, particularly in the realm of education.
- Held that Vikram's claim for continuation in service up to 60 years against a private company did not relate to a public duty.
- Stated that the right to continue in service is not a fundamental right. The violation of service rules by a private institution does not fall under the purview of the High Court's writ jurisdiction under Article 226 of the Constitution of India.
- Concluded that the WP, challenging premature retirement and claiming continuation in service against a private company, is not maintainable.

The WP was thus dismissed.

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