

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 2932 OF 2015**

Nitin Kumar s/o. Narendra Kumar
Sharma & Ors.

..Petitioners

Vs

Union of India & Anr.

..Respondents

WITH**WRIT PETITION NO. 7212 OF 2014**

Parag Popatrao Savane

..Petitioner

Vs

Union of India & Ors.

..Respondents

WITH**WRIT PETITION NO. 2304 OF 2015**

Sandeep Kumar Sekwal & Ors.

..Petitioners

Vs

Union of India & Ors.

..Respondents

WITH**WRIT PETITION (STAMP) NO. 9899 OF 2015**

Pankaj Purshottam Patle & Ors.

..Petitioners

Vs

Union of India & Ors.

..Respondents

Mr. S. S. Prabhune for Petitioners in WP 2932 of 2015.

Mr. Rui A. Rodrigues with Ms N. V. Masurkar for Respondent in WP 2932 of 2015.

Mr. S. G. Kurup for Respondent No. 2 in WP 7212 of 2014.

Mr. Arsh Misra ib. M. V. Kini & Co. for Respondent No. 13 in WP(ST) 9899 of 2015.

Mr. Swapnil Kamble i/b. A. D. Shetty for Respondent No. 22 in WP(ST) 9899 of 2015.

Mr. Atul Pandey i/b. Pawan Mishra for Respondent No. 3 in WP 2304 of 2015.

Mr. Suresh Kumar with Ms Nisha Walani for Respondent No. 1 in WP 2304 of 2015.

Mr. Sandeep Babar – AGP for State.

**CORAM : SHANTANU S. KEMKAR &
M. S. SONAK, JJ.**

DATE : JULY 28, 2017

P.C. :

A preliminary objection has been raised by the learned counsel for the respondents that the respondent no. 2 is not a State within the meaning of Article 12 of the Constitution of India.

2] This question has been considered and decided by the Division Bench of this Court in ***Mohan Laxman Gamare vs. Institute of Banking Personnel Selection (IBPS) & Anr.***¹ as also in the case of ***Indrapal Singh & Ors. vs. Union of India***².

3] Having gone through the said orders, we find that the Division Bench of this Court has categorically held that the respondent no. 2 is not a State under Article 12 of the Constitution of India. In the circumstances, the Division Bench had dismissed the writ petition reserving the petitioner's right to exhaust an alternate remedy which

1 O.S. Writ Petition (L) No. 1042 of 2014 & Other connected matters decided on 7th May 2014.

2 O.S. Writ Petition (L) No. 891 of 2015 decided on 30th April 2015

is available in law. The order passed in the case of *Indrapal Singh* (supra) had been challenged before the Supreme Court in SLP No. 15245 of 2015 and the SLP was dismissed by the Supreme Court vide order dated 10th May 2016.

4] In the circumstances, in our considered view, the question involved is no longer *res integra*. As a result for the reasons stated in the said orders of this Court these petitions are dismissed on the ground that the respondent no. 2 is not a State within the meaning of Article 12 of the Constitution of India, however with liberty to the petitioners to avail alternate remedy as may be available to them in accordance with law.

(M. S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)