

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8943 OF 2017**

Priyanka Ravindra Mahangade & Ors

..Petitioners

Vs.

The State of Maharashtra & Ors

..Respondents

Mr. R. V. Bansode for the Petitioners

Mr. S. D. Patil i/b Mr. P. S. Gole for the Respondent Nos.2 and 3

Mrs. R. A. Salunkhe AGP for the Respondent No.1

**CORAM :R. M. SAVANT, &
SARANG V KOTWAL, JJ
DATE : 6th NOVEMBER, 2017**

P.C.

1 The above Petition filed under Article 226 of the Constitution of India seeks reliefs against the Respondent No.2 i.e. the Satara Sahakari Bank Ltd. A preliminary objection is raised on behalf of the Respondent No.2 by the Learned Counsel Mr. Patil by contending that the Respondent No.2 is not a State within the meaning of Article 12 of the Constitution of India and therefore the above Writ Petition is not maintainable. In support of the said contention reliance is sought to be place on the Full Bench Judgment of this Court in the matter of **The Shamrao Vithal Co-operative Bank Limited & Anr. Vs. Padubidri Pattabhiram Baht & Anr.**¹ The specific issue before the Full Bench was whether the Shamrao Vithal Co-operative Bank was a State within the meaning of Article 12 of the Constitution of India. The Full Bench as can be seen from its judgment has gone into various aspects and has

¹ 1993 MhLJ 1

ultimately reached a conclusion which is recorded in paragraph (26) that the Learned Single Judge has erred in holding that the Bank i.e. Shamrao Vithal Co-operative Bank Ltd is State within the meaning of Article 12 of the Constitution of India. The Full Bench has further in paragraph 28 has recorded that a society registered under the Maharashtra Co-operative Societies Act 1960 and under the Multi State Co-operative Societies Act 1984 which carries on business of banking and is therefore governed by the Banking Regulation Act 1949, does not thereby fall within the expression “State” under Article 12 of the Constitution of India.

2 In the light of the said authoritative pronouncement of the Full Bench, the preliminary objection raised by the Learned Counsel appearing for the Respondent No.2 would have to be sustained, resultantly the Petition is held not maintainable and is accordingly disposed of.

3 However, it would be open for the Petitioners to avail of such remedies as are available in law except filing a Writ Petition to ventilate their grievances. Needless to state that any such remedies are adopted, the same would be tried on their own merits and in accordance with law.

[SARANG V KOTWAL, J]

[R.M.SAVANT, J]