

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CWP No. 24369 of 2013
Date of Decision: 07.03.2017**

Manish Kumar & Others

...Petitioners

Versus

**The Managing Director, Punjab State
Co-operative Bank Ltd. & Others**

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- None for the petitioners.

Mr. Ashwani Prashar, Advocate
for respondents No. 1 and 2.

Mr. K. K. Garg, Advocate
for respondent No. 3.

Mr. Rajesh Narang, Advocate
for respondent No. 4.

JAISHREE THAKUR, J.

Petitioners herein have filed the instant writ petition seeking a writ in the nature of Mandamus or any other appropriate writ to be issued directing the official respondents i.e. respondents No. 1 and 2 to appoint the petitioner on the post of Clerk-cum-Data Entry Operator as per the advertisement issued in the month of June, 2011.

This writ petition has been filed and is pending consideration since 2013. Counsel for the petitioner was not present on two earlier occasions as noted by order dated 21.11.2016. The writ petition was adjourned to 07.03.2017 with direction that last opportunity is granted.

The matter is taken up today and there is no representation on behalf of the petitioner though the matter has been called twice.

Mr. Ashwani Prashar urges that this writ petition deserves to be dismissed at the very outset by relying upon judgment rendered in ***General Manager, Kisan Sahkari Chini Mills Ltd., Sultanpur, U.P. vs. Shatrughan Nishad and others, JT 2003 (8) SC 235***, wherein, it has been held that co-operative societies are not amenable to writ jurisdiction as they are not the 'State' within the meaning of Article 12 of the Constitution of India. A similar view has been expressed in ***S. S. Rana vs. Registrar Co-operative Societies & Another, JT 2006 (5) SC 186***. It has also been urged that a similar view has been taken by this Court in ***Som Nath and others vs. The Deputy Registrar Cooperative Societies, Hoshiarpur and others, 2012 (4) PLR 262*** and in ***Ranjit Singh vs. The Registrar Co-operative Societies, Punjab, Chandigarh and another, 2010 (4) SCT 750***.

The respondent No. 1 herein, Punjab State Co-operative Bank Ltd., is a co-operative society registered under the provisions of the Co-operative Societies Act, 1961. It is neither established or constituted under the Constitution of India nor by any law made by the Parliament.

Since the respondent-Bank does not perform any subordinate function and the State Government does not have any control over the Bank, by following the test as laid down in ***S.S. Rana's*** case (supra), it is held that no writ petition is maintainable against the said Punjab State Co-operative Bank Ltd.

Accordingly, without going into the merits of the case, the instant writ petition is dismissed on the ground of the maintainability.

March 07, 2017
Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No