

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5670 OF 2024

Ankit Noorbeg Patel

... Petitioner

Versus

The State of Maharashtra

Thr. Principal Secretary and Ors.

... Respondents

...
Mr. M.M. Chaudhari a/w S.K. Atique, Advocate for the
Petitioner.

Mr. B.V. Samant, Addl. G.P. a/w Ms. Tanvi N. Bhatia, AGP,
Advocate for the Respondent Nos. 1 to 4.

...

CORAM : RAVINDRA V. GHUGE
&
M.M. SATHAYE, JJ.

DATE :- 15th OCTOBER, 2024

Per Court :-

1. A claim is made against a Private Mercantile Co-operative Bank. The disputed issues are as regards, (a) whether the Petitioner was permitted to join the duties after revoking the suspension order, (b) whether the Petitioner has performed his duties, (c) whether his service is not being treated as being continuous or (d) whether there is a break introduced and (e) whether his salaries are not being paid. The Judgment in *CIDCO*

vs. Dosu Aardeshir Bhiwandiwalla and others, 2009 (1) SCC 168,
would not permit us to issue a Writ of Mandamus.

2. The learned Advocate for the Petitioner submits that the Petitioner desires to withdraw this Petition and avail of a statutory remedy that may be permissible in law either under Section 91 of the Maharashtra Co-operative Societies Act, 1960 or under any other statute. In view of the above statement, with liberty as permissible in law, **this Writ Petition is disposed off, on instructions.**

(M.M. SATHAYE, J.) (RAVINDRA V. GHUGE, J.)