



\$~76

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 13844/2025, CM APPL. 56760/2025 & CM APPL.
56761/2025

DHIRAJ KUMARPetitioner

Through: Mr. Alabhya Dhamiya, Advocate.

versus

DELHI STATE COOPERATIVE BANK THROUGH
MANAGING DIRECTOR & ANR.Respondents

Through: Mr. Rajesh Srivastava & Mr.
Gaurav Verma, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **09.09.2025**

CM APPLs. 56759/2025 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 13844/2025

1. The petitioner has filed this petition under Article 226 of the Constitution, against an order of compulsory retirement enforced against him by respondent No. 1-Delhi State Cooperative Bank Limited [“the Bank”].

2. At the very outset, Mr. Rajesh Srivastava, learned counsel for the Bank, submits that, by a judgement of a coordinate Bench in *Sunita Sharma vs. Delhi State Cooperative Bank Ltd.* [2024 SCC OnLine Del 1270], it was held that the Bank is not a “State” within Article 12 of the



Constitution, and therefore service disputes against the Bank, are not amenable to the writ jurisdiction of the Court. Although the said judgement is pending in appeal [LPA 384/2024], Mr. Srivastava submits that the judgement of the coordinate Bench has not been stayed. He submits that the same position was established in the earlier judgements of coordinate Benches in *Anand Prakash v. Delhi State Cooperative Bank Ltd. & Anr.* [W.P.(C) 105/2010, decided on 20.04.2011] and *Sukhbir Singh Gouchwal v. Delhi State Cooperative Bank Ltd. & Ors.* [W.P.(C) 6205/2018, decided on 10.11.2021]. According to Mr. Srivastava, the petitioner should therefore proceed by instituting civil proceedings.

3. As in the present case, all the aforesaid cases concerned service disputes instituted by employees of the Bank.

4. In view of the subsisting position that Article 226 remedies are not available in these circumstances, Mr. Alabhya Dhamiya, learned counsel for the petitioner, on instructions, seeks permission to withdraw this writ petition, with liberty to institute civil proceedings or any other remedy available to the petitioner against the Bank, in accordance with law.

5. The petition, alongwith the pending applications, is dismissed as withdrawn, with liberty to invoke alternative remedies as available to him.

PRATEEK JALAN, J

SEPTEMBER 9, 2025

JK'pv'/AD/