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

+ W.P.(C) 12943/2018
MS. DIMPLE GUPTA

.....Petitioner

Through: Mr. Rakesh Kumar Singh,
Advocate with petitioner in person.

versus

JAIN COOPERATIVE BANK LIMITED
AND ORS.

.....Respondents

Through: Mr. Abhinav Sharma, Mr. Shreesh
Pathak and Mr. Gurjot Sethi,
Advocates with Mr. Abhishek
Sharma, Legal Officer.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **01.09.2025**

1. The petitioner has filed this petition under Article 226 of the Constitution, challenging order of respondent No.1 – Jain Cooperative Bank Ltd [“Bank”], dismissing her from service [order dated 30.06.2017], and an undated Appellate Order, affirming the dismissal.
2. In the counter affidavit, a preliminary objection was taken that a petition under Article 226 of the Constitution is not maintainable against the petitioner as respondent No.1 is a Cooperative Society registered under the Delhi Cooperative Societies Act 1972, and is not an instrumentality of the State. It was noted in the order of this Court dated 17.10.2022 that a decision had been rendered by this Court in W.P.(C) 4612/2019, holding that a writ would not be maintainable against the Bank. The order dated 11.05.2023 also noted that the petition is required



to be considered on the question on maintainability.

3. It is the admitted position that respondent No.1 – Jain Cooperative Bank Ltd is not an instrumentality of the “*State*”, under Article 12 of the Constitution.

4. In such a situation, having regard to the judgment of the Supreme Court in *St. Mary's Education Society v. Rajendra Prasad Bhargava & Ors.* [(2023) 4 SCC 498], Mr. Rakesh Kumar Singh, learned counsel for the petitioner, seeks permission to withdraw this writ petition, with liberty to take such alternative remedies as the petitioner may be entitled to.

5. The writ petition is dismissed as withdrawn, with liberty as aforesaid.

6. In the event the petitioner institutes fresh proceedings before the jurisdictional forum within four weeks from today, the Court/forum concerned is requested to consider granting the petitioner the benefit of Section 14 of the Limitation Act, 1963, for the period that the writ petition was pending before this Court.

7. The petitioner will also be at liberty to request the concerned Court/forum for an expeditious disposal, if possible.

8. This Court has not made any observation on the merits of the matter.

PRATEEK JALAN, J

SEPTEMBER 1, 2025

SS/AD/