

*Before Harsimran Singh Sethi, J.*

**RISHI GOPAL** —*Petitioner*

*versus*

**STATE OF PUNJAB AND OTHERS** —*Respondents*

**CWP No. 16750 of 2015**

February 25, 2019

*Constitution of India, 1950 —Arts 12, 226—Punjab Cooperative Societies Act, 1961— Ss. 54, 55 and 56—Writ against Cooperative Bank not maintainable—Writ petition seeking release of pensionary benefits from Cooperative Bank—not maintainable— Cooperative Societies not administered/controlled by State Machinery— Not State or other authority under Art. 12.*

*Held that*, it is a settled principle of law that Cooperative Societies, which are not administered/controlled by the State Machinery, are not amenable to the writ jurisdiction of this Court as they are not covered under the definition of a State or other authority as envisaged under Article 12 of the Constitution of India.

(Para 10)

*Further held that*, in view of the settled proposition of law, this Court is of the view that the present writ petition is not maintainable for the relief which has been claimed by the petitioner in the present writ petition. No writ can be issued against a Cooperative Society as the petitioner has been unable to show that there is any share capital of the Government in respondent No.3- Bank or any Financial Assistance as being provided by the State Government to the Bank. Further, it cannot be said that respondent No.3- Bank enjoys monopoly, which is State Conferred or State Protected. Further, there is nothing on record or produced by the petitioner to the effect that there is any deep and persuasive control of the State over respondent No.3- Bank.

(Para 14 )

B.D. Sharma, Advocate  
*for the petitioner.*

Mehardeep Singh, Addl. A.G., Punjab.

Iqbal Singh Saggu, Advocate  
for respondents No.3 and 4.

**HARSIMRAN SINGH SETHI, J.(Oral)**

(1) In the present writ petition, the challenge is to the order dated 25.03.2015 (Annexure P-6) by which respondent No. 3-Bank has withheld certain payments of the petitioner for which he became entitled for after his superannuation.

(2) At the outset, learned counsel for the respondent-State submits that the present writ petition is not maintainable as respondent No. 3 is a Cooperative Society, therefore, the petitioner is to avail the appropriate remedy under the Punjab Cooperative Societies Act, 1961 (in short 'the Act of 1961') and the Rules framed thereunder in the year 1963.

(3) The facts as stated in the writ petition are that the petitioner joined as a Clerk-cum-Cashier with respondent No.3-Bank on 27.02.1987. While working as such, respondent No. 3-Bank initiated proceedings under Sections 55/56 of the Act of 1961 in respect of recovery of a loan amount against one M/s R.S. Randhawa Trading Company and another. Assistant Registrar, Cooperative Societies, Jalandhar had passed an Award on 17.10.2012 (Annexure P-1) that bank is entitled for an amount of Rs. 12,26,330/- alongwith 14% interest and costs. Keeping in view the said Award, a charge-sheet dated 16.08.2013 (Annexure P-2) was issued to the petitioner in respect of the negligence in performance his duties due to which the Bank had to approach the Assistant Registrar, Cooperative Societies under Sections 55/56 of the Act of 1961 against M/s R.S. Randhawa Trading Company and another for the recovery of the amount. Reply to the said charge-sheet was filed by the petitioner on 09.10.2013 (Annexure P-3). Thereafter, proceedings under Section 54 of the Act of 1961 were initiated by respondents No. 3-Bank against the petitioner. It is stated that the said proceedings were pending at the time when the present petition was filed by the petitioner in the year 2015.

(4) During the pendency of the said proceedings, the petitioner attained the age of supernnuation on 30.11.2014 and retired but his retiral benefits were withheld keeping in view the pendency of proceedings against him, wherein respondents were seeking the recovery of an amount of more than `13 lacs on 31.12.2013.

(5) Learned counsel for the petitioner states that now those proceedings have been decided and the Award has been passed in favour of the petitioner to the effect that the petitioner has not been held liable for any amount much less as being asked by respondent No. 3-

Bank in the surcharge proceeding. Keeping in view the above, a prayer has been made that the pensionary benefits of the petitioner should be released by issuance of a direction to respondent No. 3-Bank.

(6) In reply to the said writ petition, the respondents have taken an objection that writ petition is not maintainable against respondent No. 3-Bank as the same does not come within the definition of Article 12 of Constitution of India and hence, it not amenable to the writ jurisdiction of this Court. Further, it has been mentioned that the petitioner has an alternate remedy under the Act of 1961 which has not been availed by the petitioner in this regard. The relevant portion of the written statement is as under:-

“1. That the petitioner has filed the present writ petition seeking relief against the Jalandhar Central Cooperative Bank Limited, Jalandhar (hereinafter called the bank), which is a cooperative society registered under the provisions of the Punjab Cooperative Society Act, 1961 (hereinafter called the Act). The bank is neither an instrumentality of State nor any other authority as defined under Article 12 of the Constitution of India. Therefore, the present writ petition is liable to be dismissed being not maintainable.

2. That an alternative remedy of appeal/revision under the Act, is also available to the petitioner. But the petitioner without availing the same has straight way filed the present writ petition, therefore, the same is liable to be dismissed.”

(7) I have heard learned counsel for the parties and haave gone through the record with their able assistance.

(8) The first hurdle which the petitioner has to cross in order to claim the relief as prayed in the present writ petition is as to whether the present writ petition is maintainable as per Article 12 of the Constitution of India or not against a Cooperative Society i.e. respondent No. 3. Learned counsel for the petitioner states that once the proceedings had already come to an end, which were initiated by the respondents before the Registrar Cooperative Societies under Section 54 of the Act of 1961 and the same has been decided in favour of the petitioner, now nothing survives as there is no impediment in the release of the pensionary benefits to the petitioner. Learned counsel for the petitioner states that once the Cooperative Societies were discharging public functions, they are amenable to the writ jurisdiction

of this Court and the direction can be given to respondent No. 3-Bank to release the pensionary benefits of the petitioner.

(9) Learned counsel for the respondents state that respondent No. 3 is a Cooperative Society and Cooperative Society is not amenable to the writ jurisdiction of this Court and, therefore the present writ petition is liable to be dismissed as no writ is maintainable against the Cooperative Societies. In respect to the claim of the petitioner for the release of the pension, learned counsel for the respondents state that appropriate remedy is available to the petitioner under the Act of 1961, which can be availed by the petitioner in this regard.

(10) It is a settled principle of law that the Cooperative Societies, which are not administered/controlled by the State Machinery, are not amenable to the writ jurisdiction of this Court as they are not covered under the definition of a State or other authority as envisaged under Article 12 of the Constitution of India. Hon'ble the Supreme Court while deciding Criminal Appeal No. 5466 of 2002 on 08.10.2003 titled as *General Manager, Kisan Sahkari Chini Mills Ltd., Sultanpur, U.P.* versus *Satrughan Nishad and others*, has held that Cooperative Sugar Mill does not enjoy any monopoly status and is not under the direct control of the State and, therefore, the said Cooperative Society is not amenable to the writ jurisdiction of this Court. The relevant paragraph of the said judgment is as under:-

“8. From the decisions referred to above, it would be clear that the form in which the body is constituted, namely, whether it is a society or co-operative society or a company, is not decisive. The real status of body with respect to the control of government would have to be looked into. The various tests, as indicated above, would have to be applied and considered curmulatively. There can be no hard and fast formula and in different facts/situations, different factors may be found to be overwhelming and indicating that the body is an authority under Article 12 of the Constitution. In this context, Bye Laws of the Mill would have to be seen. In the instant case, in one of the writ applications filed before the High Court, it was asserted that the Government of Uttar Pradesh held 50% shares in the Mill which fact was denied in the counter affidavit filed on behalf of the State and it was averred that majority of the shared were held by cane growers. Of course, it was not said that the Government of Uttar Pradesh did not hold any share. Before this Court, it

was stated on behalf of the contesting respondents in the counter affidavit that the Government of Uttar Pradesh held 50% shares in the Mill which was not denied on behalf of the Mill. Therefore, even if it is taken to be admitted due to non traverse, the share of the State Government would be only 50% and not entire. Thus, the first test laid down is not fulfilled by the Mill. It has been stated on behalf of the contesting respondents that the Mill used to receive some financial assistance from the Government. According to the Mill, the Government had advanced some loans to the Mill. It has no where been stated that the State used to meet any expenditure of the Mill much less amount the entire one, but, as a matter of fact, it operates on the basis of self generated finances. There is nothing to show that the Mill enjoys monopoly status in the matter of production of sugar. A perusal of Bye-Laws of the Mill would show that its membership is open to cane growers, other societies, Gram Sabha, State Government, etc. and under Bye-Law 52, a committee of management consisting of 15 members is constituted, out of whom, 5 members are required to be elected by the representatives of individual members, 3 out of cooperative society and other institutions and 2 representatives of financial institutions besides 5 members who are required to be nominated by the State Government which shall be inclusive of the Chairman and Administrator. Thus, the ration of the nominees of the State Government in the committee is only  $1/3^{\text{rd}}$  and the management of the committee is dominated by  $2/3^{\text{rd}}$  non-government members. Under the Bye-Laws, the State Government can neither issue any direction to the Mill nor determine its policy as it is an autonomous body. The State has no control at all in the functioning of the Mill much less deep and pervasive one. The role of the Federation, which is the apex body and whose ex-officio Chairman-cum-Managing Director is Secretary, Department of Sugar Industry and Cane, Government of Uttar Pradesh, is only advisory and to guide its members. The letter sent by Managing Director of the Federation on 22<sup>nd</sup> November, 1999 was merely by way of an advice and was in the nature of a suggestion to the Mill in view of its deteriorating financial condition. From the said letter, which is in the advisory capacity, it cannot be

inferred that the State had any deep and pervasive control over the Mill. Thus, we find none of the indicia exists in the case of Mill, as such the same being neither instrumentality nor agency of government cannot be said to be an authority and, therefore, it is not State within the meaning of Article 12 of the Constitution.”

(11) Not only this, even the Division Bench of this Court while deciding CWP No. 10806 of 2006 on 20.07.2006 has held that the Tarn Taran Cooperative Sugar Mills Limited is not amenable to the writ jurisdiction of this Court. Keeping in view the objection raised on behalf of the respondents, this Court held that the Cooperative Society is not amenable to the writ jurisdiction of this Court and relegated the petitioners to have their remedies before the appropriate authority. The relevant paragraph of the said judgment is as under:-

“Even otherwise, the claim which has been made by the petitioners in this petition is not liable to be entertained in the present proceedings as the writ petition against the Mill which is a Cooperative Society is not maintainable. In *General Manger, Kisan Sahkari Chini Mills Ltd., Sultanpur, U.P. v. Satrughan Nishad and others*, (2003) 8SCC 639 a writ was held to be not maintainable against the Sugar Mill in the said case which was a Cooperative Society registered under the U.P. Cooperative Societies Act, 1961. The service of surplus workmen of the Sugar Mill in the said case were terminated which was assailed by way of writ petition. The State Government had 50% share in the co-operative society of the said case. Two-third strength of the Managing Committee of the Society comprised of non-Government nominees. Due to deteriorating financial conditions of the Sugar Mill in the said case, the services of some surplus workmen were terminated without paying any compensation and without any notice. The writ petition of the affected persons seeking various reliefs was allowed by the High Court and a direction was issued to regularize the services of the petitioners therein in a phased manner. The Hon’ble Supreme Court allowing the appeals against the order of the High Court held that the Sugar Mill was not an agency or instrumentality of the State and was not engaged in any activity involving any public function. The writ jurisdiction of the High Court could, therefore, not have been exercised. In the said case the Cooperative Society was

a Sugar Mill as in the present case. It was observed by the Supreme Court that the Mill therein was engaged in the manufacture and sale of sugar which would not involve any public function and there was no difficulty in holding that the jurisdiction of the High Court under Article 226 of the Constitution could not have been invoked. The ratio of the said judgment is applicable to the case in hand. Besides, in *S.S. Rana v. Registrar; Cooperative Societies and another*, JT 2006 (5) SC 186 the Kangra Central Cooperative Bank Limited which was a Cooperative Society was held to be not a State within the meaning of Article 12 of the Constitution of India. It was held that the High Court cannot be said to have committed any error in arriving at a finding that the respondent-Bank in the said case was not a State within the meaning of Article 12 of the Constitution of India. Learned counsel for the petitioner has, however; placed reliance on the case of *Gayatri De v. Mousumi Cooperative Housing Society Ltd. And others*, JT 2004 (5) SC 554. The ratio of the said case is not applicable to the case in hand. It was held therein that the Special Officer appointed under the provisions of the relevant Cooperative Societies Statute is a statutory authority and, therefore, a writ petition would be maintainable where the subject matter of writ petition is an order passed by a Special Officer in the discharge of his statutory functions. As such, in a case where the Cooperative Society is under the control of a Special Officer a writ would lie. However, the present is not a case where any order has been passed by any authority in exercise of its statutory functions which is assailed in the present petition. The claim is basically for the grant of salary which is stated to have not been paid to the petitioners since January 2006. Therefore, the petitioners having remedy before the Liquidator as also other remedies for claim of pay and even otherwise the respondent Mill not being a 'State' within the meaning of Article 12 of the Constitution of India, we find no ground to exercise the extra-ordinary writ jurisdiction of this Court under Articles 226/227 of the Constitution of India.

For the foregoing reasons, there is no merit in this petition and the same is accordingly dismissed. However,

the petitioner would be at liberty to avail other alternative remedies available to them in accordance with law.”

(12) Again the same question came for consideration before this Court in CWP No. 4662 of 2016, wherein, in respect of a service dispute, the jurisdiction of this Court was invoked by Sh. Khushhal Singh against the Morinda Cooperative Sugar mills Limited. After considering the law in extensor, this Court held as under:-

“In this uphill task and at this precarious stage, Mr. Boparai argues vehemently on the point of maintainability of the petition that it lies in this Court by relying on a selection of judgments of the Supreme Court which include *Ajay Hasia & others Vs. Khalid Mujib Sehravardi & others*, (1981) 1 SCC 722; *U.P. State Cooperative Land Development Bank Ltd. Vs. Chandra Bhan Dubey & others*, (1999) 1 SCC 741; *Gayatri De Vs. Mousumi Co-operative Housing Ltd. & others*, JT 20047 (5) SC 554 and *S.S. Rana Vs. Registrar, Cooperative Societies & another*, JT 2008 (5) SC 186 as well as Single Bench judgment of this Court in CWP No.255 of 2006 titled ‘*Smt. Pavitar Kaur & another Vs. State of Punjab*’ decided on 07.07.2010, to contend that the Mills qualify as “any person or authority” or “other authorities” or “instrumentalities” contemplated by Article 12 and 226 of the Constitution in the matter of enforcement of fundamental rights through special remedies provided by Articles 32 and 226 of the Constitution.

Ajay Hasia’s case is not a case involving employment or a service matter. The Supreme Court dealt with admissions to Engineering Colleges in the States of Jammu & Kashmir. The factual matrix of which ruling should not detain us in this case. In education matters involving fundamental rights of students, the view taken is different and measured on postulates in Part III of the constitution involving fundamental rights or those which are elevated to that status by judicial law making. In those cases interference by the writ Court becomes a handy tool to prevent continued unreasonable discrimination or violation of the cherished equally principles in Part III. The Full Bench of this Court in *Miss Ravneet Kaur Vs. The Christian Medical College, Ludhiana & others*, AIR 1998 P&H 1 dealt with the



question answered posed thus: “Is a writ petition maintainable against an un-aided private Medical College which is affiliated to a University?” The question was answered in the affirmative. However, admissions to medical seats are different thing from a case involving conditions of service of workers governed by rules or by contracts of employment. In the present case, fundamental rights are not involved and a dispute itself has been raised to the maintainability of a writ petition against the respondent Sugar Mills. Thus, the said case is of no help to Mr. Boparai.

The case in *Gayatri De* involved the issue of transfer and allotment of flats in a multi-storied building. The question was: whether the right of ownership of a flat is inheritable of transferable right and whether the writ was maintainable against the House Building Society. The rights of ownership were involved in a housing matter, which involves public interest. In that case, flat in question was allotted to the father of the appellant who died as a consequence thereof the heirs of the deceased became entitled as a result of death to the said flat with proportionate interest in the land. The Supreme Court examined Sections 80(c) and 87 of the West Bengal Cooperative Societies Act, 1983 to be of help in favour of the appellant and that it was held the writ was maintainable in the High Court of Calcutta challenging the order of cancellation issued by the Special Officer of the society. I fail to see any parallel in that case with this case. There was an element of public law warranting remedy in the form of mandamus. It was in answer to this question that the Supreme Court held that the writ was maintainable, as there was public law element involved and merely because the opposition was a society, it did not detract from the remedy of mandamus. A declaration was accordingly issued inasmuch as the appellant had a right to succeed to the estate of the deceased and in the apartment of the Society by devolution of interest. The test applied was of pervasive control exercised by the State Government agencies over the functioning of the Society.

In *Chandra Bhan Dubey's* case, the Supreme Court dealt with a case of a dismissed employee challenging the order of dismissal by the Bank. The Court found that the

Bank is controlled by the State Government and service conditions of its employees and, therefore, interference by certiorari and mandamus was available. It may, however, be noted that the Supreme Court left the question open as to whether judicial review was limited to the field of public law and does not cover that of private law in the background that prima facie Article 226 does not make a divide between elements of public law and private law domain. The power conferred upon the High Court under Article 226 is so vast, but is subject to the guidelines laid down by the Supreme Court and self-imposed restraints, but those guidelines cannot be mandatory in all circumstances.

The next in line is *S.S. Rana's case*, wherein the Supreme Court considered the provisions of the Himachal Pradesh Cooperative Societies Act, 1968 in relation to the statutes in the Kangra Central Cooperative Bank Employees (Terms of Employment and Working Conditions) Rules, 1980. A Cooperative society was running a Bank, which would qualify as 'State' within the meaning of Article 12 of the Constitution and whether writ lies against such Society in a case of termination of service for misconduct. The writ was filed challenging the termination. The High Court held that the Cooperative Society was not a 'State', therefore, the writ was not maintainable. It was not in dispute that the Society had not been constituted under an Act. Its functions like any other Cooperative Society were mainly regulated in terms of the provisions of the Act, except as provided in the bye-laws of the Society. The State has no say in the functions of the society. Membership, acquisition of shares and all other matters were governed by the bye-laws framed under the Act. The terms and conditions of employment were governed by the rules of the Society. Nothing was shown to the Court that State has direct or indirect control over the Society, which is deep and pervasive. The State further was not a majority shareholder. The State had the power only to nominate one Director on the Board. The Supreme Court agreed with the opinion of the High Court and dismissed the appeal.

*Pavitar Kaur* was a case involving issues arising out of a Voluntary Retirement Scheme floated by the Punjab State Cooperative Sugar Mills Limited (Sugarfed). Though

maintainability of the petition was not in issue in the case, but there is sufficient authority to indicate that Sugarfed is amenable to writ jurisdiction. This case is also of no help to the petitioner.

Per contra and closer home is the decision of the Supreme Court relied upon by Mr. Rahul Sharma reported as cause title General Manager, *Kisan Sahkari Chini Mills Ltd., Sultanpur, UP* Vs. *Satrughan Nishad & others*, (2003) 8 SCC 639. In this case, Supreme Court held that the Mill is engaged in the manufacture and sale of sugar, which would not involve any public function and against the Mills the writ jurisdiction of the High Court under Article 226 of the Constitution could not have been invoked. The Court while reaching the conclusion considered its earlier decision in *Anandi Mukta Sadguru Shree Mukta Jeevandasswami Suvarna Jaya* Vs. *V.R. Rudani & ors*, AIR 1989 SC 1607 etc.

Mr. Sharma has also brought to the notice of this Court a judgment of the learned Single Bench rendered in CWP No. 14426 of 2012 titled '*Om Parkash Vs. The State of Punjab & others*' on 10.09.2012, which is a decision on merits of the issue arising in this petition and whether the case of Om Parkash fell in the term Group-D employee and making him entitled to continue in service till the age of 60 years. The petition was dismissed. But this Court would make no comment on the judgment since I am of the considered view that a writ is not maintainable against the Mills and to reach the conclusion the ratio in *Kisan Sahkari Chini Mills* case is the case in point. The respondent Mills are not involved in performance of public duty. If the rights are purely of a private character no mandamus can issue. The activity should be engaged in obligations akin to public duties or State functions to bring it within the sphere of Article 226 of our Constitution. The body to become amenable to writ should be financially, functionally and administratively dominated by or under the control of the Government; see *Pradeep Kumar Biswas Vs. Indian Institute of Chemical Biology & others* (2002) 5 SCC 111. I find none of the essential ingredients present in this case clearly demonstrated. If the writ petition is not maintainable then it has to be dismissed without any further discussion on facts.

If the petition has to be dismissed for want of maintainability, then the petitioner may avail his remedy elsewhere when the right to sue subsists but remedy lies in some other forum for judicial control of administrative acts complained of. Therefore, the merits of the case have not been dealt with in this case after coming to the conclusion that the writ must fail on the point of maintainability. No material has been placed on the record from where the court may take a different view applying the recognized tests say in *V.R. Rudani* (supra) or more expansively in *Zee Telefilms Ltd. & another Vs. Union of India & others* (2005) 4 SCC 649.

For the above reasons, I would dismiss the petition as not maintainable by leaving issues on merits open to debate before the appropriate Forum where remedy is sought, as advised.”

(13) Not only this, again this Court had an occasion to decide the same question of law while deciding CWP No. 6776 of 1999 on 13.08.2010 which related to the Punjab State Cooperative Bank. This Court after relying upon the judgments mentioned above, categorically held that the Bank is a Society and hence is not amenable to the writ jurisdiction of this Court. The relevant paragraph of the said judgment is as under:-

“I am of the considered view that the present writ petition would not be maintainable against respondent No. 2. The Punjab State Cooperative Bank Ltd. as the case of the respondent/Cooperative Bank would be covered by the judgments of Hon’ble the Supreme Court in the cases *General Manager Kisan Sahkari Chini Mills, Sultanpur, U.P.* (supra) and *S.S. Rana* (supra). In the present case, the share money of the State Government in the respondent/Cooperative Bank at the relevant time was merely 0.78%, whereas at present it is only 0.36%. There is nothing on the record to suggest that the control over the Society is of the State Government. The tests as laid down in *S.S. Rana’s* case (supra), Hon’ble the Supreme Court has in para-10 held as follows:-

“10. It has not been shown before us that the State exercises any direct or indirect control over the affairs of the Society for deep and pervasive control. The State

furthermore is not the majority shareholder. The State has the power only to nominate one director. It cannot, thus, be said that the State exercises any functional control over the affairs of the society in the sense that the majority directors are nominated by the State. For arriving at the conclusion that the State has a deep and pervasive control over the Society, several other relevant questions are required to be considered, namely: (1) How the Society was created?: (2) Whether it enjoys any monopoly character?: (3) Do the functions of the Society partake to statutory functions or public functions?: (4) Can it be characterized as public authority?"

None of these tests are fulfilled by the Cooperative Bank. That apart a coordinate Bench of this Court in Gurmej Singh's case (supra), while relying upon the judgment of Hon'ble the Supreme Court in the case of S.S. Rana (supra), has held that this very Cooperative Bank/respondent would not be amenable to the writ jurisdiction.

The judgment of Hon'ble the Supreme Court in the case of U.P. State Cooperative Land Development Bank Limited (supra), has been duly considered by Hon'ble the Supreme Court in the case of S.S Rana (supra), where in para-16 it has been stated that the State Cooperative Bank was a creation under the statute and further that the terms and conditions of the appointment of employees were again statutory in nature. The said position is not present in the present case.

All principles as laid down in the judgment of this Court in the case of Ashok Kumar (supra), which again has been relied upon by counsel for the petitioner, cannot be disputed with that in case an appointment is made in violation of or contrary to Articles 14 and 16 of the Constitution of India by a public employer on a public post, this court has the jurisdiction to interfere in such matters. However, in the light of the fact that respondent No. 2/Cooperative Bank is not a Government within the meaning of Article 12 of the Constitution of India and, therefore, the writ is not maintainable against the respondent/Cooperative Bank, no relief can be granted to the petitioner by this Court.

Therefore, the present petition stands dismissed as not maintainable.

(14) In view of the settled proposition of law, this Court is of the view that the present writ petition is not maintainable for the relief which has been claimed by the petitioner in the present writ petition. No writ can be issued against a Cooperative Society as the petitioner has been unable to show that there is any share capital of the Government in respondent No. 3-Bank or any Financial Assistance as being provided by the State Government to the Bank. Further, it cannot be said that respondent No. 3-Bank enjoys monopoly, which is State Conferred or State Protected. Further, there is nothing on record or produced by the by the petitioner to the effect that there is any deep and persuasive control of the State over respondent No. 3-Bank.

(15) Under these circumstances, respondent No. 3-Bank is only a Cooperative Society and hence, is not amenable to the writ jurisdiction under Article 12 as the same is not covered under the definition of State as envisaged under Article 12 of the Constitution of India.

(16) In view of the above, the present writ petition is dismissed as not being maintainable. However, the petitioner will be free to avail his alternate remedy available in accordance with law.

(17) Learned counsel for the petitioner states that the present writ petition is pending since 2015 and there might be an objection when the petitioner approaches the authority under the Act of 1961. In case any such situation arises, petitioner will be free to point out and bring to the notice of the appropriate authority that the petitioner was pursuing remedy since 2015, which was not available to him.

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(*Shubreet Kaur*)