



Vinita

**IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 570 OF 2017.**

MR SURENDRA J. KALANGUTKAR ... Petitioner.

Versus

THE GOA STATE CO-OPERATIVE BANK LTD
AND ANR. ... Respondents.

**WITH
WRIT PETITION NO. 571 OF 2017**

SANDEEP P. LOTLIKAR ... Petitioner.

Versus

THE GOA STATE CO-OPERATIVE BANK LTD
AND ANR. ... Respondents.

Mr. S. D. Lotlikar, Senior Advocate with Ms Natasha Pai, Advocate for the Petitioner.

Mr. G. Sardessai, Advocate with Ms S. Bangera, Advocate for the Respondents.

**CORAM: M. S. KARNIK &
NIVEDITA P. MEHTA, JJ.**

DATE: 27th November 2024.

ORAL ORDER: (PER M. S. KARNIK, JJ)

- Heard Mr S. D. Lotlikar, learned Senior Counsel along with Ms N. Pai, learned Advocate for petitioners and Mr G. Sardessai, learned Advocate along with Ms S. Bangera, learned Advocate for respondent nos. 1 and 2.

2. These petitions are disposed of by a common order. These petitions were filed in the year 2017 seeking quashing of inquiry initiated against the petitioners in pursuance of the chargesheet dated 6.8.2010.

3. Learned counsel for respondent no.1 and 2 invited our attention to the decision of the Full Bench of this Court dated 5.3.2021 in the case of *Vassudev Madkaikar and others Vs State of Goa in Writ Petition No.92/2021/F* holding that that the Goa State Co-operative Bank Ltd. (GSCBL), is not a State or an instrumentality thereof, nor does it fall within the ambit of 'Any other authority' for the purposes of Article 12 of the Constitution of India. It is further observed that the GSCBL does not discharge any public functions to warrant issuance of writ in the nature of mandamus in discharge of its performance of public function. This Court therefore held that the petition filed by the petitioners therein is not maintainable.

4. Mr Lotlikar, learned Senior Counsel submits that prior to filing of the petitions in the year 2017 on as many as 2 to 3 occasions this Court had entertained the Writ Petitions and issued directions therein to the respondent GSCBL. It is therefore submitted by Mr Lotlikar, learned Senior Counsel that it is now open for the respondents atleast

as between the petitioners and the GSCB in the present facts to contend that the petitions are not maintainable.

5. It is further submitted by Mr Lotlikar that the fundamental right to livelihood of the petitioners is being affected and therefore the bank who is discharging public function should not be allowed to raise such technical objection atleast as far as present petitioners are concerned.

6. We do not find any merit in the submissions of learned Senior Advocate on the issue of maintainability in view of the decision of this Court in the case of *Court in Vassudev Madkaikar and others Vs State of Goa* (supra) which binds us. The present petitions are therefore dismissed as not maintainable. Petitioners to resort to alternate remedy as may be available in law.

7. We may observe that as petitioners were pursuing these petitions bonafide, the aspect of delay will undoubtedly be considered sympathetically by the appropriate forum before which remedy is resorted by the petitioners. Keeping all contentions on merits open, the petitions stand rejected. No costs.

NIVEDITA P. MEHTA, J.

M. S. KARNIK, J.