

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.969 of 2010

IN

Civil Writ Jurisdiction Case No. 14984 of 2009

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1. The Secretary General, The Insurance Institute Of India, 6th Floor, Sir Pheroazshah Mehta Road, Universal Insurance Building, Mumbai.

.... Appellant/s

Versus

1. Sheo Shankar Bariyar, S/O Late Ram Chandra Prasad, R/O West Of Salam Qr. No. 1, Housing Colony, P.S. Kankarbagh, District- Patna And At Present Posted As Assistant In National Insurance Company, Divisional Office-1, Arunachal Building Exhibition Road, Patna - 800001.

2. The Secretary, Patna Insurance Institute, C/O LIC Of India, Divisional Office, Jeevan Prakash, Annexure Building, Fraser Road, Patna-800001.

3. The Public Information Officer, The Insurance Institute Of India, 6th Floor, Sir Pheroazshah Mehta Road, Universal Insurance Building, Mumbai-800001.

4. The Regional Manager, National Insurance Co. Ltd. 4th Floor, Sone Bhawan, Birchand Patel Path, Patna-01.

... Respondent/s

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Appearance :

For the Appellant/s : Mr. SHAMBHU SHARAN SINGH

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 29-10-2015

This appeal has been filed against the final order dated 12-11-2009 in C.W.J.C.No. 14984 of 2009. We are surprised why the appeal has been filed. The writ court has granted no relief to the writ petitioner. All that the writ court directed was that the Insurance Institute of India, which has conducted the examinations on behalf of the National Insurance Company Ltd. for promotion of their

personnels, to verify the answer sheets of the petitioner, and inform the petitioner of the marks obtained by him. There is nothing more or nothing else. How can anybody be aggrieved by such order?

2. Mr. Shambhu Sharan Singh, learned counsel for the appellant, then urges that no writ would lie as against the Insurance Institute of India. It is not a State. We are not inclined to accept the said proposition. The writ petition was filed against the National Insurance Company Ltd. in which the writ petitioner worked and it is on behalf of the National Insurance Company, which cannot be doubted but be a State, and which had outsourced its duty to the Insurance Institute of India, a body set up for facilitating the National Insurance Company Ltd., and having been recognised as such by the Insurance Regulatory Development Authority of India as also the Government of India. Thus, the writ petition was directed against the National Insurance Company Ltd, which is a State and its instrumentality i.e., the Insurance Institute of India. The National Insurance Company Ltd. has outsourced its work to the Institute. That would not take the Institute outside the pale of State within the meaning of Article 12 of the Constitution.

3. Mr. Singh next contends that after the examinations are conducted, within three months the answer sheets are destroyed. The writ court could not have issued such a direction, almost one year after the examinations. The first thing we would like to notice is that the Principal of the Institute i.e., the National Insurance Company was duly represented and heard. No such objection was raised on their behalf. Notwithstanding the aforesaid, if that is a fact, then all that the Institute had to do was to inform the candidate(writ petitioner) of this fact, and would have been done with that , instead of filing appeal and wasting this Court's time.

4. In view of the aforesaid, we find no merit in this appeal.
It is, accordingly, disposed of.

B.K.Roy/-

(Navaniti Prasad Singh, J)

(Nilu Agrawal, J)

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