

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No 1039 of 2014

IN

Civil Writ Jurisdiction Case No 5192 of 2014

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1. Kundan Raj Son of Sheo Kumar Prasad C/o Devendra Kumar Nirala, Mohalla - Vishnupuri Chitkohara, P.S. Gardanibagh, P.O. Anishabad, Patna - 02
 2. Rahul Dev Son of Shri Shambhu Vishwakarma 254, Garbhchak, Jagdevpath, Rajabajar, Bailey Road, P.O. B.V. College, P.S. Airport, Patna - 14
 3. Pradeep Son of Banarsi Dass H.No. 652, Urban Estate II Hisar Haryana, P.O. Hisar, P.S. Arwal, Mob. 09253113664
 4. Bhupesh Kumar Son of Vijay Prasad Mohalla - Vishnupuri, P.O. Anisabad, P.S. Gardanibagh, Patna - 20
 5. Guddu Kumar Son of Manoj Prasad R/o Vill. - Sherpura, K Tola Par, P.O. Dulhi, P.S. Dulhin Bazar, Patna
 6. Sandeep Singh Bhatia Son of Jeet Singh 64 - B, Pocket A 11, Kalkaji Extension New Delhi - 110019
 7. Sudhanshu Shekhar Son of Shri Jaikant Jha Mohalla - Jittugachhi Phoolwari, P.O. Lalbag, P.S. Nagar Thana, District - Darbhanga Pin 846004
 8. Deepak Kumar Son of Ravindra Prasad Thakur F - 172A Vishnu Garden, District - West Delhi - Pin - 110018

.... Appellant/s

Versus

1. The Union of India through Secretary, Ministry of Finance, Government of India
2. Indian Banking Associations, World Trade Centre 6th Floor, Centre 1 Building, World Trade Centre Complex, Cuff Parade, Mumbai - 400 005
3. Institute of Banking Personnel Selection through its Director Institute of Banking Personnel Selection, IBPS House, Behind Thakur Polytechnic, Kandivali (E), Mumbai
4. Managing Director, Allahabad Bank, 2 N.S. Road Kolkata, West Bengal
5. Managing Director, Andhra Bank, 5 - 9 - 11, Dr Pattabhi Bhavan, Secretariate Road, Saifabad, Hyderabad - 500 004 A.P.
6. Managing Director, Bank of India, Star House, C - 5, "G" Block, Bandra Kurla Complex, Bandra (East) Mumbai 400 051
7. Managing Director, Canara Bank, 112, J.C. Road, Bangalore - 560002
8. Managing Director, Dena Bank, C - 10, G - Block, Bandra, Bandra - Kurla Complex, Bandra (E), Mumbai - 400 051
9. Managing Director, IDBI Bank Ltd., IDBI Tower, WTC Complex, Cuffe Parade, Colaba, Mumbai - 400005
10. Managing Director, Indian Bank, PB No. 5555, 254 - 260, Avvai Shanmugam Salai, Royapettah, Chennai - 600014
11. Managing Director, Indian Overseas Bank null 763 Anna Salai, Chennai - 600002
12. Managing Director, Oriental Bank of Commerce, Plot No. 5, Sector - 32, Institutional Area, Gurgaon - 122001
13. Managing Director, Punjab National Bank, 7 Bhikhaiji Cama Place, New Delhi - 110607
14. Managing Director, Syndicate Bank, Door No. 16/355 AND 16/365A, Manipal - 576 104, Udupi District, Karnataka State (India)
15. Managing Director, UCO Bank, 10, B T M Sarani, Kolkata - 700 001, West Bengal, India

16. Managing Director, Union Bank of India, 53, Abhay Bhavan, Frazer Road, Patna, Bihar - 800001

17. Managing Director, Vijya Bank, Shopping Arcade, Frazer Road, Patna, Biha - 800001

.... Respondent/s

WITH

Letters Patent Appeal No 996 of 2014

IN

Civil Writ Jurisdiction Case No 4288 of 2014

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Anurag Kumar Mishra, son of Ram Kishore Mishra, resident of Mohalla – Ghordaur Road, Digha, near Gyan Niketan Girls School, PS – Digha, District – Patna - 11

.... Appellant/s

Versus

- 1 The Union of India through its Secretary, Ministry of Finance, New Delhi – 110 001
- 2 The Reserve Bank of India through its Governor, New Delhi
- 3 The Institute of Banking Personnel Selection through its Director, IBPS House, 90 Feet, D P Road, near Thakur Polytechnic, Western Express Highway, PB No 8587, Kandivali (E) Mumbai – 400 101
- 4 The Director, Institute of Banking Personnel Selection IBPS House, 90 Feet, DP Road, near Polytechnic Western Express Highway, PB No Kandivalli (E), Mumbai – 400 101
- 5 Indian Bank Association through its Chairman, World Trade Centre Complex, Centre -1, 2 and 4, 6 Floor Cuffee Parade, Mumbai – 400 005
- 6 Allahabad Bank through its Managing Director, 2, N S Road, Kolkata – 700 001
- 7 Andhra Bank through its Managing Director, 5-0-11, Dr Pattabhi Bhawan, Secretariat Road, Saifabad, Hyderabad – 500 004
- 8 Bank of Baroda through its Managing Director, Baroda House, Madvi, Vadodara – 390 006
- 9 Bank of India though its Managing Director, Star House C-5, “G” Block, Bandra Kurla Complex, Bandra (East), Mumbai – 400 051
- 10 Bank of Maharashtra through its Managing Director, Central House, Lokmangal, 1501, Shivajinagar, Pune – 411 005
- 11 Canara Bank through its Managing Director, #1/1, Thinmaiah Road, Vasanth Nagar, Bengaluru – 560 052
- 12 Central Bank of India through its Managing Director, Chander Mukhi Nariman Point, Mumbai – 400 021
- 13 Corporation Bank through its Managing Director, Corporate Office – Mangaladevi Temple Road, Pandeshwar, Mangalore – 575 001
- 14 Dena Bank through its Managing Director Dena Corporate Centre, C-10, G Block, Bandra Kurla Complex, Bandra (E), Mumbai – 400 051
- 15 Export Credit Guarantee Corporation through its Managing Director, Express Tower, 10th Floor, Nariman Point, PO Box No 11677, Mumbai – 400 021
- 16 IDBI Bank through its Managing Director, IDBI Tower, WTC Complex, Cuffe Parade, Mumbai – 400 005
- 17 Indian Bank through its Chairman, Corporate Office, PB No 5555, 254-260, Avvai Shanmugam Salai, Royapellah, Chennai – 600 014
- 18 Indian Overseas Bank through its Managing Director, 763, Anna Salai Chennai

– 600 002

- 19 Oriental Bank of Commerce through its Managing Director, Head Office, E Block, Harsha Bhawan, Cannought Place, New Delhi
- 20 Punjab National Bank through its Managing Director, 7 Bhikhaji Cama Place, New Delhi – 110 607
- 21 Punjab and Sind Bank through its Managing Director 21 Rajendra Place, New Delhi – 110 008
- 22 Syndicate Bank through its Managing Director, Head Office Door No 16/355 and 16/365A, Manipal – 576 104, Udupi, District – Karnataka
- 23 UCO Bank through its Managing Director, 10 BTMS Sarani, Barboume Road, 07th Floor, Kolkata – 700 001
- 24 Union Bank of India through its Managing Director, Union Bank Bhawan, 239, Vidhan Bhavan Marg, Nariman Point, Mumbai – 400 021
- 25 United Bank of India through its Managing Director, 11, Hemand Basu Sarani, Kolkata – 700 001
- 26 Vijaya Bank through its Managing Director, 41/2, M G Road, Bengaluru – 560 001
- 27 The Secretary, Ministry of Finance, Government of India, New Delhi – 110 001
- 28 Aarti Kumari, D/o Binay Kumar Sharma, resident of Mohalla – Naya Tola, Kumhrar Ghera, PS – Agamkuan, District – Patna
- 29 Shashi Bhushan Prasad, S/o Parasnath Sah, R/o Village – Sarmaapur, PS – Kanti, District – Muzaffarpur
- 30 Shailesh Kumar, S/o late Naresh Singh, R/o Tetrahar, PS – Nabinagar, District – Aurangabad
- 31 Dinesh Kumar Nirala, S/o Surendra Prasad, R/o Village – Affour, PS – Khairah, District - Saran

.... Respondent/s

Appearance :

For the Appellant/s : M/s Sanjeet Kumar & Binay Kant Mani Tripathi, Advs

For the Respondent/s : M/s Rajesh Kumar Verma, Siddhartha Prasad, Nishi Nath Ojha, Rajan Ghoshrahe, Ramjeet Kumar Pandey, Anshay Bahadur Mathur, Sanjay Singh Thakur, Binod Kr Sinha, Advocates

CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

And

HON'BLE JUSTICE SMT NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 15-10-2015

We heard the learned counsel for the appellants yesterday and indicated the order which we had proposed to pass. As the learned

counsel wanted some time to consider the matter, the matter was adjourned for today. We have heard the learned counsel today also.

2 The situation is that the Institute of Banking Personnel Selection (for short, *IBPS*) had been assigned with the role of making selection for Probationary Officers in respect of 19 Public Sector Banks. The appellants, who were the writ petitioners, are concerned with the second such Common Written Examination (for short, *CWE*). With various grievances, they came to the Court and filed the writ petition. The learned Single Judge dismissed the writ petition. The writ petitioners then filed this intra-Court appeal.

3 While the appeal was pending, the second combined examination and the selection therein were concluded. Thereafter, the third combined examination was held in which some of the appellants appeared and remained unsuccessful. Then there was the 04th combined examination. Then that process being over, the 05th combined examination was taken up which is now in process.

4 The appellants did not obtain any order from this Court in appeal protecting their rights. Much water has flown to Ganga since then. In these facts, it would now be wholly inappropriate for us to interfere and set the clock back. The question being raised in this appeal would, thus, be of academic nature with no substantive relief to the appellants.

5 We, therefore, are not inclined to interfere in the matter though leaving questions of law open to be taken in an appropriate forum as and when moved.

6 The appeal stands disposed of.

(Navaniti Prasad Singh, J)

(Nilu Agrawal, J)

M.E.H./-

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