

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21642 of 2014

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Tahera Begum, wife of Sadik, resident of Village/Mohalla- Masuria; P.O.- Masuria; P.S.- Jokihat Mahalgaon, Block- Jokihat; District- Araria.

.... Petitioner/s

Versus

1. The Little World Pvt. Ltd. Zero Micro Finance and Saving Support Foundation Ltd. through its Associate Member, Gola No. T-951 5th Floor, Belapur, Railway Station Commercial Complex Tower-4, Sector-II, CBD Belapur- 400614 (Mumbai).
2. The Deputy General Manager, Out Reach State Bank of India, Head Office, Gandhi Maidan, Patna.
3. The zonal Manager, Zero Micro Finance and Saving Support Foundation Ltd., Belapur, Mumbai.
4. The Regional Manager, Region-3, Zero Micro Finance and Saving Support Foundation, Purnea.
5. The Manager, R.B.F.I., Region-B, Zero Micro Finance and Saving Support Foundation Ltd., Purnea.
6. Birendra Kumar Singh, H/o Jitendra Narayan, Agent/Project Manager, R/o behind B.B.M. High School, Durgabani Bhatta, Police Station- Kanjanchi Hat, District- Purnea.
7. The District Coordinator, Zero MAS, Araria (Bihar), EMP Code-21036.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kailash Nath Diwakar, Advocate.

For the Respondent/s : Mr. Kaushlendra Kumar Sinha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 05-01-2015 Heard learned counsel for the petitioner as also learned

counsel for the State Bank of India as with regard to the following relief

sought in this writ petition:

"1. That the present application is for issuance of an appropriate writ/writs, order/orders, direction/directions against the respondent authorities towards permitting the petitioner to run the customer Service Centre, Masuria, C.S.P. Code No. 10260637, Block- Jokihat, District- Araria after acceptance of the Security Deposit as the petitioner has been selected for running the said Code and accordingly a number of times approached the respondent authorities but under partiality did not provided the same to the petitioner in terms of letter no. 02 dated 21.01.2014. Further for the relief/reliefs for which the petitioner is entitled under the facts and circumstances of the case."

2. Mr. Kailash Nath Diwakar, learned counsel appearing on behalf of the petitioner, has submitted that the impugned order dated 21.01.2014 is not only arbitrary and illegal but also against the avowed public interest. He submits that the petitioner was actually extending humanitarian service to the common people, which has now been sought to be abruptly put to an end.

3. Mr. Kaushlendra Kumar Sinha, learned counsel appearing on behalf of the State Bank of India, has submitted that the impugned order has been passed by a private company, namely, Zero Micro Finance and Saving Support Foundation, which is not a 'State' within the meaning of Article 12 of the Constitution of India. He, thus, questions the very maintainability of the writ application.

4. Mr. Diwakar submits that since the respondent no. 1 Zero Micro Finance and Saving Support Foundation is attached with a scheme which is meant for public at large and in fact, the petitioner has also paid a sum of Rs. 15,000/- by a demand draft dated 29.01.2014, this writ petition should be entertained and disposed of on merits.

5. This Court would find it difficult to entertain the writ petition inasmuch as the respondent no. 1, Zero Micro Finance and Saving Support Foundation is out and out a private body against which no writ petition would lie. Secondly, this Court would find that the employee of the said private company had only given certain notice to the petitioner for fulfilling the terms and conditions as also submit her explanation, failing which the claim of the petitioner shall have to be

rejected. The wording of Annexure-1, the impugned order, therefore, by itself would go to show that no cause of action had actually emanated in favour of the petitioner. A writ petition, of course, cannot be filed against a show cause notice unless it is without jurisdiction.

6. In the present case, when the petitioner herself accepts that the payment was made on 29.01.2014, she cannot be allowed to question the earlier notice dated 21.01.2014. The petitioner, in such an event, on finding that the action of the respondent no. 1 was contrary to the terms and conditions of the agreement could have filed a civil suit for enforcement of its terms and conditions or a criminal case for breach of trust. A writ petition in any event is wholly misconceived and ill-advised.

7. That being so, this writ application must fail and is hereby dismissed.

(Mihir Kumar Jha, J)

Sujit/-

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