

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4780 of 2017

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1. Gaurav Kumar Singh, Son of Sri Jai Narayan Singh, Resident of Village-Nitender, P.O.-Machatta, P.S.-Amour, District-Purnea-854315.
 2. Abhishek Kumar, Son of Sri Indrajit Singh, Resident of Village-Naugadh, P.O.-Naugadh, District-Aurangabad-824101.
 3. Abhishek Kumar Jha, Son of Sri Prabhash Jha, Resident of Flat no.-63, Sector-6, Block-L.I.G. Bhuthnath Road, Bahadurpur Housing Colony, Patna-800026.
 4. Anurag Kumar Keshri, Son of Sri Om Prakash Keshari, Resident of Mahadeva Road, in Front of Heera Niwas, Ara-802301.
 5. Sumit Kumar Raj, Son of Sri Mithlesh Kumar Singh, resident of Village-Shiv Nagar, P.O. & P.S.-Reega 2, District- Sitamarhi-843327.

.... Petitioner/s

Versus

1. Union of India through Secretary, Ministry of Finance, Govt. of India.
2. Institute of Banking Personnel Selection, IBPS House, 90' D.P. Road, Near Thakur Polytechnic, off. Western Express Highway, P.B. No.-8587, Kandivali (E), Mumbai-400101, through its Chairman & M.D.
3. The Chairman & Managing Director, Institute of Banking Personnel Selection, IBPS House, 90' D.P. Road, Near Thakur Polytechnic, Off. Western Express Highway, P.B. No.-8587, Kandivali (E), Mumbai.
4. The Director, Institute of Banking Personnel Selection, IBPS House, 90' D.P. Road, Near Thakur Polytechnic, Off. Western Express Highway, P.B. No.-8587, Kandivali (E), Mumbai.
5. Bihar Gramin Bank, Head Office at Gramin Bank Chowk, Opposite- North HFFCL Gate, NH 31, Begusarai-851115, through its Chairman.
6. The Chairman, Bihar Gramin Bank, Head Office at Gramin Bank Chowk, Opposite-North HFFCL Gate, NH 31, Begusarai-851115.
7. Madhya Bihar Gramin Bank, Head Office Shri Vishnu Commercial Complex, NH 30, New Bypass, Near BP Highway Services Petrol Pump, Asochak, Patna-800016, through its Chairman.
8. The Chairman, Madhya Bihar Gramin Bank, Head Office, Shri Vishnu Commercial Complex, NH 30, New Bypass, Near BP Highway Services Petrol Pump, Asochak, Patna-800016.
9. Uttat Bihar Gramin Bank, Head Office- Kalambagh Chowk, Muzaffarpur, through its Chairman.
10. The Chairman, Uttar Bihar Gramin Bank, Head Office- Kalambag Chowk, Muzaffarpur.
11. Central Bank of India, Chandermukhi, Nariman Point, Mumbai- 40001, through its Chairman.
12. The Chairman, Central Bank of India, Chandermukhi, Nariman Point, Mumbai-40001.

.... Respondent/s

With

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Civil Writ Jurisdiction Case No. 6261 of 2017

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Pushkar Pushp, Son of Shri Sanjay Kumar Sinha, resident of Dhanratti Niwas, Indrapuri Sipara, Near Nirma Godam, District- Patna.

.... Petitioner/s

Versus

1. The Union of India, through Secretary, Ministry of Finance, Government of



India, New Delhi.

2. The Institute of Banking Personnel Selection (IBPS), House 90, D.P. Road near Thakur Polytechnic Office, Western Express Highway, P.B. No. 8587, Kandivali (E), Mumbai, through its Chairman.
3. The Uttar Bihar Gramin Bank, having its Head Office at Kalambagh Chowk Muzaffarpur, through its Chairman.
4. The Madhya Bihar Gramin Bank, having its head office at Sri Vishnu Commercial Complex NH- 30, New By-pass, Near B.P. Highway Service Petrol Pump, Asochak, Patna through its Chairman.
5. The Bihar Gramin Bank, having its Head Office at Gramin Bank Chowk, Opposite North HFFCL Gate, NH-31, Begusarai, through its Chairman.

.... Respondent/s

With

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Civil Writ Jurisdiction Case No. 10960 of 2017

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Ashutosh Kundan, aged about 25 years, Son of Harendra Singh, resident of Village Dawan Chapra, P.O. K.T. Bharauli, P.S.- Daraundha, District- Siwan.

.... Petitioner/s

Versus

1. Union of India through Secretary, Ministry of Finance, Govt. of India.
2. Institute of Banking Personnel Selection, IBPS House 90 D.P. Road, Near Thakur Ploytechnic, Off, Western Express Highway, P.B. No. 8587 Kandivali (E), Mumbai 400101, though its Chairman & M.D.
3. The Chairman & Managing Director, Institute of Banking Personnel Selection, IBPS House 90, D.P. Road, near Thakur Ploytechnic, Off, Western Express Highway, P.B. No. 8587 Kandivali (E), Mumbai.
4. The Director, Institute of Banking Personnel Selection, IBPS House, 90 D.P. Road, Near Thakur Polytechnic, Off Western Express Highway, P.B. No.- 8587, Kandivali (E), Mumbai.
5. Bihar Gramin Bank, Head Office at Gramin Bank Chwok, opposite North HFFCL Gate NH 31, Begusarai 851115 through its Chairman.
6. The Chairman, Bihar Gramin Bank, Head Office at Gramin Bank Chwok, Opposite North HFFCL Gate NH 31, Begusarai 851115.
7. Madhya Bihar Gramin Bank, Head Office Shri Vishnu Commercial Complex, NH 30 , New Bypass, Near BP Highway Services Petrol Pump, Ashochak, Patna- 8000016, through its Chairman.
8. The Chairman, Madhya Bihar Gramin Bank, Head Office Shri Vishnu Commercial Complex, NH 30 , New Bypass, Near BP Highway Services Petrol Pump, Ashochak, Patna- 8000016.
9. Uttar Bihar Gramin Bank, Head Office- Kalambagh Chwok, Muzaffarpur, through its Chairman.
10. The Chairman, Uttar Bihar Gramin Bank, Head Office- Kalambagh Chwok, Muzaffarpur.
11. Central Bank of India, Chandermukhi, Nariman Point, Mumbai- 40001, through its Chairman.
12. The Chairman, Central Bank of India, Chandermukhi, Nariman Point, Mumbai- 40001.

.... Respondent/s

With

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Civil Writ Jurisdiction Case No. 5343 of 2017

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1. Ravi Shakti Verma, Son of Rakesh Chandra Verma, Resident of Mohalla- Lal Darwaja, Post- Munger, District- Munger- 811201.
2. Rakesh Kumar, Son of Vijay Prasad Singh, Resident of Village- Makrauta, P.O.- Makrauta, P.S.- Karai Parsurai, District- Nalanda (Bihar), Pin- 801304.
3. Dhananjay Kumar, Son of Kishori Thakur, R/o P.O.+ Village- Chuhari, P.S.- Chanpatiya, District- West Champaran, Bihar- 845450.
4. Saurabh Kumar, Son of Anuj Kumar, Lok Sevak, Resident of Village + Post- Aunta, P.S.- Hathidh, District- Patna- 803303.
5. Aman Kumar Mishra, Son of Himanshu Shekhar Mishra, Resident of Village- Jaynagar, Post- Barkundi, P.S.- Saraiya Hat, District- Dumka, Jharkhand- 814151.
6. Govind Kumar Jha, Son of Pradeep Jha, Resident of New Kumar Para, Post- Dumka, P.S.- Dumka, District- Dumka, Jharkhand- 814101.
7. Chunnu Kumar, Son of Bashist Narayan Prasad Yadav, Resident of Hasanpur, Post- Hasanpur Mathia, Via- Barauli, District- Gopalganj- 841405.
8. Sudhanshu Kumar, Son of Sone Lal Pathak, Resident of Village + Post- Asinchak, P.S.- Dalsinghsarai, District- Samastipur- 848114.
9. Praveen Kumar, Son of Birendra Kumar Tiwari, Resident of Village- Sinha, Post- Sinha Ghat, P.S.- Krishnagarh, District- Bhojpur (Ara)- 802316.

.... Petitioner/s

Versus

1. Union of India through Secretary, Ministry of Finance, Govt. of India New Delhi.
2. Institute of Banking Personnel Selection IBPS House 90 D.P. Road near Thakur Polytechnic Office Western Express Highway, P.B. No. 8587 Kandivali (E) Mumbai 400101 through its Chairman & M.D.
3. Bihar Gramin Bank, Head Office at Gramin Bank Chowk, opposite North HFFCL gate NH 31 Begusarai through its Chairman.
4. The Madhya Gramin Bank, Head Office Sri Vishnu Commercial Complex NH-30, New By-pass, Near B.P. Highway Service Petrol Pump, Asochak, Patna-800016 through its Chairman.
5. Uttar Bihar Gramin Bank, Head Office- Kalambagh Chowk, Muzaffarpur through its Chairman.
6. The Chairman, Bihar Gramin Bank, Head Office at Gramin Bank, Head Office at Gramin Bank Chowk, Opposite- North HFFCL Gate, NH-31, Begusarai-851115.
7. The Chairman, Madhya Gramin Bank, Head Office- Sri Vishnu Commercial Complex, NH- 30, New By-pass, Near B.P. Highway Service Petrol Pump, Asochak, Patna- 800016.
8. The Chairman, Uttar Bihar Gramin Bank, Head Office- Kalambagh Chowk, Muzaffarpur.
9. Central Bank of India, Chandramukhi, Nariman Point, Mumbai- 400001, through its Chairman.
10. The Chairman, Central Bank of India, Chandramukhi, Nariman Point, Mumbai-400001, through its Chairman.

.... Respondent/s

With

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Civil Writ Jurisdiction Case No. 5475 of 2017

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Aman Kumar, S/o Sri Ram Charitra Singh, Resident of Lay, P.O. Lay, P.S.- Kajra, District- Lakhisarai.

.... Petitioner/s

Versus



1. The Union of India through Secretary, Ministry of Finance, Govt. of India.
2. The Chairman and Managing Director, Institute of Banking Personnel Selection, IBPS House, 90' D.P. Road, Near Thakur Polytechnic, Off Western Express Highway, P.B. No. 8587, Kadivali (E), Mumbai.
3. The Director, Regional Rural Banking (Banking Division), Govt. of India, New Delhi.
4. Madhya Bihar Gramin Bank, Head Office- Shri Vishnu Commercial Complex, NH 30, New Bypass, Near BP Highway Services Petrol Pump, Asochak, Patna-800016, through its Chairman.
5. The Chairman, Uttar Bihar Gramin Bank, Head Office- Kalambagh Chowk, Muzaffarpur.
6. The Chairman, Central Bank of India, Chandermukhi, Nariman Point, Mumbai-400001.

.... Respondent/s

With

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Civil Writ Jurisdiction Case No. 7422 of 2017

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1. Sourav Kumar, son of Sri Braj Kishore Prasad, resident of village- Rajanbigha, P.O.- Partapur, P.S.- Chandi, District- Nalanda, Pin- 803120 (Bihar).
2. Sudhir Chandra Lal, son of Shri Dina Nath Rajak, resident of Mohalla- Golghar, Bank Road, Near Ratan Decorator, P.S.- Gandhi Maidan, District- Patna, Pin- 800001.
3. Saurav Kumar, son of Sri Manoj Prasad, resident- C/o Baiju Kumar, Village- Sherpura ke Tola Par, P.O.- Dihuli, P.S.- Dulhin Bazar, District- Patna, Pin- 801102 (Bihar).
4. Vishal Kumar, son of Ashok Kumar Singh, Gosai Tola, Sri Nagar Path, Patliputra, District- Patna, Pin- 800013.
5. Nishant Kumar, son of Mukesh Kumar, resident of village- Choti Keshopur, Dharahra Road, Jamalpur, District- Munger (Bihar).
6. Kunjesh Ranjan, son of Baidyanath Sharma, at village + P.O.- Chiraura, P.S.- Naubatpur, District- Patna, Pin- 801109 (Bihar).
7. Vijay Kumar Paswan, son of Ram Kumar Ram, resident of village + P.O.- Bank, P.S.- Akodhi Gola, District- Rohtas, Pin- 821301.
8. Prashant Kumar, son of Badri Nath Jha, resident of Behind S.P. Residence, Dumra, Town & District- Sitamarhi, Pin- 843301 (Bihar).
9. Pankaj Kumar, son of Kamal Narayan Jha, resident of village- Sudai, P.O.- Sudai- Ratauli, P.S.- Phulparas, Via- Ghoghardiha, District- Madhubani, Pin- 847402.
10. Rajesh Kumar Mishra, son of Baidyanath Mishra, C/o Shyam Sundar Mishra, resident of village- Bhusunda, P.O.- Nauranga, P.S.- Muffassil, District- Gaya, Pin- 823003 (Bihar).
11. Ajay Mishra, son of Late Maheshanand Mishra, C/o Uday Mishra Siddhrartha Puri, Colony Road No.- 1, P.O.- Buniyadganj, Manpur, District- Gaya, Pin- 823003 (Bihar).
12. Kumar Kalyan, son of Mahesh Kumar, resident of village + P.O.- Narma, P.S.- Hathuri, District- Muzaffarpur, Pin- 843129 (Bihar).
13. Vikash Kumar, son of Rajkishore Singh, At- Chainpur, P.O.+ P.S.- Goraul, District- Vaishali, Pin- 844118 (Bihar).
14. Mayank Mohan, son of Mahon Safi, resident of House No.- 60, Ramjaipal Road, Bailey Road, Danapur, Patna, Pin- 801503 (Bihar).
15. Nitish Kumar, son of Vinod Prasad, resident of village- Kamal Bigha, P.O.- Bilari, P.S.- Katari Sarai, District- Nalanda, Pin- 805130 (Bihar).
16. Nisha Rani, daughter of Sri Khagesh Das, wife of Shashi Kumar Sinha, resident



of Phool Pari Devi Path, Chandmari Road, Kankarbagh, Patna, Pin- 800020.

17. Lucky Kumari, daughter of Sri Ramvinay Sharma, resident of village + P.O.- Bhor, P.S.- Tekari, District- Gaya Pin- 824236 (Bihar).
18. Tanisha Sinha, daughter of Sri Arbind Kumar Sinha, resident of- Tilak Chowk, Ward No.- 08, Near Kaburgah, Madhubani, District- Madhubani, Pin- 847211 (Bihar).

.... Petitioner/s

Versus

1. Union of India through Secretary, Ministry of Finance, Govt. of India.
2. Institute of Banking Personnel Selection, IBPS House, 90' D.P. Road, Near Thakur Polytechnic, Opp. Western Express Highway, P.B. No.- 8587, Kandivali (E), Mumbai- 400101 through its Chairman & M.D.
3. The Chairman & Managing Director, Institute of Banking Personnel Selection, IBPS House, 90' D.P. Road, Near Thakur Polytechnic, Opp. Western Express Highway, P.B. No. - 8587, Kandivali (E), Mumbai.
4. The Director, Institute of Banking Personnel Selection, IBPS House, 90' D.P. Road, Near Thakur Polytechnic, Opp. Western Express Highway, P.B. No.- 8587, Kandivali (E), Mumbai.
5. Bihar Gramin Bank, Head Office at Gramin Bank Chowk, Opposite- North HFFCL Gate, NH 31, Begusarai- 851115 through its Chairman.
6. The Chairman, Bihar Gramin Bank, Head Office at Gramin Bank Chowk, Opposite- North HFFCL Gate, NH 31, Begusarai- 851115.
7. Madhya Bihar Gramin Bank, Head Office- Shri Vishnu Commercial Complex, NH 30, New Bypass, Near BP Highway Services Petrol Pump, Asochak, Patna- 800016 through its Chairman.
8. The Chairman, Madhya Bihar Gramin Bank, Head Office Shri Vishnu Commercial Complex, NH 30, New Bypass, Near BP Highway Services Petrol Pump, Asochak, Patna- 800016.
9. Uttar Bihar Gramin Bank, Head Office- Kalambagh Chowk, Muzaffarpur, through its Chairman.
10. The Chairman, Uttar Bihar Gramin Bank, Head Office- Kalambagh Chowk, Muzaffarpur.
11. Central Bank of India, Chandermukhi, Nariman Point, Mumbai- 40001, through its Chairman.
12. The Chairman, Central Bank of India, Chandermukhi, Nariman Point, Mumbai- 40001.

.... Respondent/s

With

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Civil Writ Jurisdiction Case No. 9056 of 2017

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1. Puja Kumari, D/o Devendra Mishra, Resident of village- Parari, P.O. Sonki, P.S.- Bahadurpur, District- Darbhanga- 846009.
2. Saurav Kumar, Son of Birendra Prasad Singh, Resident of Mohalla- A- 338 Bhulinagar, Dhanbad, Dist.- Dhanbad, Jharkhand- 828104.
3. Bhashkar Kishore, Son of Bhupendra Nath Gupta, Resident of Village + P.S.- Chandpur Bela, Patna Gaya Line Road, P.S.- Jakkanpur, District-Patna, Bihar- 847101.
4. Pushpranjan Kumar, Son of Bhupendra Nath Gupta, Resident of Mohalla Chandpur Bela, Diwakar Med Gali, Patna Gaya Line, Patna, District Patna, Bihar- 800001.
5. Keshav Kumar, Son of Surendra Prasad Mishra, Resident of village + P.O.- Pator Tola, Rampura, Via- Anandpur, District- Darbhanga, Bihar- 847101.
6. Atul Kumar, Son of Shambhu Prasad Singh, Resident of village + P.O.-Nerut,



P.S.- Sare, Bihar Sharif, District- Nalanda, Bihar- 803101.

7. Sushant Raj, Son of Rajesh Kumar, Resident of Mohalla- H.N. No. 151, Near Panchayat Bhawan, Village + P.O.- Parsa Bazar, Patna, District- Patna, Bihar 804453.
8. Nishant Raj, Son of Umanand Sharma, Resident of Village- Lakhan More, Ward No. 19, Daudnagar, Aurangabad, District- Aurangabad, Bihar- 824143.
9. Kumari Lovely, D/o Kamlesh Kumar Pandey, Resident of Village- Koluwa Chowk, Gandhi Nagar. Road No. 1, P.O. Koluwa Chowk, Bariya Bus Stand, Muzaffarpur, Bihar- 842003.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Finance, Govt. of India, New Delhi.
2. The Institute of Banking Personnel Selection IBPS House 90, D.P. Road, Near Thakur Polytechnic Office Western Express Highway, P.B. No 8587 Kandivali (E) Mumbai- 400101 through its Chairman and M.D.
3. The Bihar Gramin Bank, Head Office at Gramin Bank Chowk, Opposite North HFFCL Gate, NH- 31, Begusarai through its Chairman.
4. The Madhya Gramin Bank, Head Office- Sri Vishnu Commercial Complex, NH- 30 New Bye Pass, Near B.P. Highway Service Petrol Pump, Asochak Patna 800016 through its Chairman.
5. The Uttar Bihar Gramin Bank, Head Office- Kalambagh Chowk, Muzaffarpur through its Chairman.
6. The Chairman, Bihar Gramin Bank, Head Office at Gramin Bank Chowk, Opposite North HFFCL Gate, NH- 31, Begusarai- 851115.
7. The Chairman, Madhya Gramin Bank, Head Office- Sri Vishnu Commercial Complex, NH- 30 New Bye Pass Near B.P. Highway Service Petrol Pump. Asochak, Patna- 800016.
8. The Chairman, Uttar Bihar Gramin Bank, Head Office- Kalambagh Chowk, Muzaffarpur.
9. The Central Bank of India, Chandramukhi, Nariman Point, Mumbai- 400001, through its Chairman.
10. The Chairman, Central Bank of India, Chandramukhi, Nariman Point, Mumbai- 400001, through its Chairman.
11. The Chairman, NABARD (National Bank of Agriculture and Rural Development) Plot C- 24, G- Block, Bandra Kurla Complex, BKC Road, Bandra East, Mumbai, Maharastra- 400051.

.... Respondent/s

With

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Civil Writ Jurisdiction Case No. 9139 of 2017

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1. Jayant Vikram, son of Binay Kumar Jha, resident of Village- Kharka, P.S.- Nanpur, District- Sitamarhi.
2. Sushil Kumar Singh, resident of Mohallah- House No.53, Road No.2, Vrindavan Colony, P.S.- Phulwari, District- Patna.
3. Kumar Sanu, son of Navin Kumar Sinha, resident of Village- Kashipur Samastipur, Ward No.6, P.S.- Samastipur, District- Samastipur.
4. Pankaj Kumar, son of Ravindra Roy, at Adharshnager, P.S.- Samastipur, District- Samastipur.
5. Sidhant Kumar, son of Shashi Bhushan Prasad Sinha, at Lohianagar, P.S. + District- Begusarai.
6. Niraj Kumar Singh, son of Baleshwar Singh, At + P.O.- Bansdih, Distroct- Saran.



7. Avish Kumar, son of Binod Kumar Srivastava, Devendra Bhawan Gali, Anand Nager No.1,, P.S.- Anand Nagar Par, Ara, District- Bhojpur.

.... Petitioner/s

Versus

1. The Union of India through Secretary, Ministry of Finance, Delhi.
2. Institute of Banking Personnel Selection, IBPS House, 90' D.P. Road, Near Thakur Polytechnic, Off. Western Express Highway, P.B. No.-8587, Kandivali (E), Mumbai-400101 through its Chairman & M.D.
3. The Chairman & Managing Director, Institute of Banking Personnel Selection, IBPS House, 90' D.P. Road, Near Thakur Polytechnic, Off. Western Express Highway, P.B. No.-8587, Kandivali (E), Mumbai.
4. The Chairman & Managing Director, Institute of Banking Personnel Selection, IBPS House, 90' D.P. Road, Near Thakur Polytechnic, Off. Western Express Highway, P.B. No.-8587, Kandivali (E), Mumbai.
5. Bihar Gramin Bank, Head Office at Gramin Bank Chowk, Opposite- North HFFCL Gate, NH 1, Begusarai- 851115, through its Chairman.
6. The Chairman, Bihar Gramin Bank, Head Office at Gramin Bank Chowk, Opposite- North HFFCL Gate, NH 31, Begusarai- 851115.
7. Madhya Bihar Gramin Bank, Head Office- Shri Vishnu Commercial Complex, NH 30, New Bypass, Near BP Highway Services Petrol Pump, Asochak, Patna- 800016 through its Chairman.
8. The Chairman, Madhya Bihar Gramin Bank, Head Office- Shri Vishnu Commercial Complex, NH 30, New Bypass, Near BP Highway Services Petrol Pump, Asochak, Patna- 800016.
9. Uttar Bihar Gramin Bank, Head Office- Kalambagh Chowk, Muzaffarpur through its Chairman.
10. The Chairman, Uttar Bihar Gramin Bank, Head Office- Kalambag Chowk, Muzaffarpur.
11. Central Bank of India, Chandermukhi, Nariman Point, Mumbai- 40001 through its Chairman.
12. The Chairman, Central Bank of India, Chandermukhi Point, Mumbai- 40001.

.... Respondent/s

With

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Civil Writ Jurisdiction Case No. 10257 of 2017

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Shweta Kumari, D/o Shri Arun Kumar Shrivastava, Resident of Village-Bheria, P.S.-Thawe, District- Gopalganj.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Finance, Govt. of India, New Delhi.
2. Institute of Banking Personnel Selection, IBPS House, 90 D.P. Road, Near Thakur Polytechnic, Off. Western Express Highway, P.B. No.-8587, Kandivali (E), Mumbai-400101, through its Chairman & M.D.,
3. The Chairman & Managing Director, Institute of Banking Personnel Selection, IBPS House, 90' D.P. Road, Near Thakur Polytechnic, Off. Western Express Highway, P.B. No.-8587, Kandivali (E), Mumbai,
4. The Director, Institute of Banking Personnel Selection, IBPS House, 90' D.P. Road, Near Thakur Polytechnic, Off. Western Express Highway, P.B. No.- 8587, Kandivali (E), Mumbai,
5. Bihar Gramin Bank, Head Office at Gramin Bank Chowk, Opposite North HFFCL Gate, NH-31,Begusarai-851115, through its Chairman.
6. The Chairman, Bihar Gramin Bank, Head Office at Gramin Bank Chowk,



- Opposite-North HFFCL Gate, NH 31, Begusarai-851115,
7. Madhya Bihar Gramin Bank, Head Office- Shri Vishnu Commercial Complex, NH 30, New Bypass, Near BP Highway Services Petrol Pump, Asochak, Patna-800016, through its Chairman.
 8. The Chairman, Madhya Bihar Gramin Bank, Head Office, Shri Vishnu Commercial Complex, NH 30, New Bypass, Near BP Highway Services Petrol Pump, Asochak, Patna-800016.
 9. Uttar Bihar Gramin Bank, Head Office- Kalambagh Chowk, Muzaffarpur, through its Chairman.
 10. The Chairman, Uttar Bihar Gramin Bank, Head Office- Kalambagh Chowk, Muzaffarpur.
 11. Central Bank of India, Chandermukhi, Nariman Point, Mumbai- 40001, through its Chairman.
 12. The Chairman, Central Bank of India, Chandermukhi, Nariman Point, Mumbai-40001.

.... Respondent/s

With

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Civil Writ Jurisdiction Case No. 5965 of 2017

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Amit Kumar, Son of Sri Surajdeo Singh, resident of Village- Dabura Khurd, P.O. Aurangabad, P.S.- Aurangabad, District- Aurangabad.

.... Petitioner/s

Versus

1. The Union of India through Secretary, Ministry of Finance, Govt. of India.
2. Institute of Bankin Personal Selection, IBPS House, 90 D.P. Road, Near Thakur Polytechnic, Off. Western Express Highway, P.B. No.- 8587, Kandivali (E), Mumbai- 400101, through its Chairman & M.D.
3. The Chairman & Managing Director, Institute of Banking Personnel Selection, IBPS House, 90 D.P. Road, Near Thakur Polytechnic, Off. Western Express Highway, P.B. No. 8587, Kandivali (E), Mumbai- 400101.
4. The Director, IBPS House, 90 D.P. Road, Near Thakur Polytechnic, Off. Western Express Highway, P.B. No. 8587, Kandivali (E), Mumbai- 400101.
5. Bihar Gramin Bank, Head Office at Gramin Bank Chowk, Opposite- North HFFCL Gate, NH 31, Begusarai- 851115, through its Chairman.
6. The Chairman, Bihar Gramin Bank, Head Office at Gramin Bank Chowk, Opposite North HFFCL Gate, NH 31, Begusarai- 851115.
7. Madhya Bihar Gramin Bank, Head Office at Shri Vishnu Commercial Complex, NH 30, New Bypass, Near BP Highway Services Petrol Pump, Asochak, Patna- 800016, through its Chairman.
8. The Chairman, Madhya Bihar Gramin Bank, Head Office at Shri Vishnu Commercial Complex, NH 30, New Bypass, Near BP Highway Services Petrol Pump, Asochak, Patna- 800016.
9. Uttar Bihar Gramin Bank, Head Office- Kalambagh Chowk, Muzaffarpur, through its Chairman.
10. The Chairman, Uttar Bihar Gramin Bank, Head Office- Kalambagh Chowk, Muzaffarpur.
11. Central Bank of India, Chandermukhi, Nariman Point, Mumbai- 40001, through its Chairman.
12. The Chairman, Central Bank of India, Chandermukhi, Nariman Point, Mumbai-40001.

.... Respondent/s

With



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Civil Writ Jurisdiction Case No. 10272 of 2017

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1. Purnendu Kumar, Son of Giridhari Jha, resident of Village- Dumari Katsari, P.S.- Shyampur (Bhathan), District- Sheohar (Bihar) Pin code- 843329.
2. Prabhanshu Kiran, son of Shashi Bhushan Prasad, resident of Purandarpur, P.S. + P.O.- Ekangar Sarai, District- Nalanda (Bihar).
3. Navneet Kumar, Son of Naresh Chandra Jha, resident of Mohalla- Sipahi Tola, Chunapur Road, Lane No. -7 (North) Purnea, Bihar, Pin Code- 854301.
4. Anshu Kumar, Son of Vijay Kumar Jha, C/o Binod Kumar Jha, Sukhasan Road, Bhirkhi, P.O. & P.S.- Madhepura, District- Madhepura, Pin code- 852113.

.... Petitioner/s

Versus

1. Union of India through Secretary, Ministry of Finance, Govt. of India.
2. Institute of Banking Personnel Selection, IBPS House, 90' D.P. Road, Near Thakur Polytechnic, Opp. Western Express Highway, P.B. No.- 8587, Kandivali (E), Mumbai- 400101 through its Chairman & M.D.
3. The Chairman & Managing Director, Institute of Banking Personnel Selection, IBPS House 90' D.P. Road, Near Thakur Polytechnic, Off. Western Express Highway, P.B. No.- 8587, Kandivali (E), Mumbai.
4. The Director, Institute of Banking Personnel Selection, IBPS House, 90' D.P. Road, Near Thakur Polytechnic, Opp. Western Express Highway, P.B. No.- 8587, Kandivali (E), Mumbai.
5. Bihar Gramin Bank, Head Office at Gramin Bank Chowk, Opposite- North HFFCL Gate, NH 31, Begusarai- 851115 through its Chairman.
6. The Chairman, Bihar Gramin Bank, Head Office at Gramin Bank Chowk, Opposite- North HFFCL Gate, NH 31, Begusarai- 851115.
7. Madhya Bihar Gramin Bank, Head Office- Shri Vishnu Commercial Complex, NH 30, New Bypass, Near BP Highway Services Petrol Pump, Asochak, Patna- 800016 through its Chairman.
8. The Chairman, Madhya Bihar Gramin Bank, Head Office- Shri Vishnu Commercial Complex, NH 30, New Bypass, Near BP Highway Services Petrol Pump, Asochak, Patna- 800016.
9. Uttar Bihar Gramin Bank, Head Office- Kalambagh Chowk, Muzaffarpur, through its Chairman.
10. The Chairman, Uttar Bihar Gramin Bank, Head Office- Kalambagh Chowk, Muzaffarpur.
11. Central Bank of India, Chandermukhi, Nariman Point, Mumbai- 40001, through its Chairman.
12. The Chairman, Central Bank of India, Chandermukhi, Nariman Point, Mumbai- 40001.

.... Respondent/s

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Appearance :

(In CWJC No.4780 of 2017)

For the Petitioner/s : Mr. Rajendra Narain, Sr. Adv. with
Ms. Anju Kumari @ Anju Narain, Adv.

For the Respondent/s : Mr. S.D Sanjay (Addl. Soc. Gen.)

For the Respondent-IBPS : Mr. Siddhartha Prasad, Adv.

For the Respondent-UBGB : Mr. Ajay Kumar Sinha, Adv.

For the Respondent-MBGB : Mr. Mahesh Narayan Parbat, Sr. Adv.

For the Respondent_BGB : Mr. Ranjeet Kumar Pandey, Adv.

(In CWJC No.6261 of 2017)

For the Petitioner/s : Mr. Devendra Kr. Sinha, Sr. Adv. with



Mr. Abhinay Raj, Adv.
 For the Respondent/s : Mr. S.D Sanjay (Addl. Soc. Gen.)
 For the Respondent-IBPS : Mr. Siddhartha Prasad, Adv.
 For the Respondent-UBGB : Mr. Ajay Kumar Sinha, Adv.
 For the Respondent-MBGB : Mr. Mahesh Narayan Parbat, Sr. Adv.
 For the Respondent_BGB : Mr. Ranjeet Kumar Pandey, Adv.
 (In CWJC No.10960 of 2017)
 For the Petitioner/s : Mr. Prem Ranjan Kumar, Adv.
 For the Respondent/s : Mr. S.D Sanjay (Addl. Soc. Gen.)
 For the Respondent-IBPS : Mr. Siddhartha Prasad, Adv.
 For the Respondent-UBGB : Mr. Ajay Kumar Sinha, Adv.
 For the Respondent-MBGB : Mr. Mahesh Narayan Parbat, Sr. Adv.
 For the Respondent_BGB : Mr. Ranjeet Kumar Pandey, Adv.
 (In CWJC No.5343 of 2017)
 For the Petitioner/s : Mr. Sanjiv Sharan, Adv.
 For the Respondent/s : Mr. S.D Sanjay (Addl. Soc. Gen.)
 For the Respondent-IBPS : Mr. Siddhartha Prasad, Adv.
 For the Respondent-UBGB : Mr. Ajay Kumar Sinha, Adv.
 For the Respondent-MBGB : Mr. Mahesh Narayan Parbat, Sr. Adv.
 For the Respondent_BGB : Mr. Ranjeet Kumar Pandey, Adv.
 (In CWJC No.5475 of 2017)
 For the Petitioner/s : Ms. Archana Meenakshee, Adv.
 For the Respondent/s : Mr. S.D Sanjay (Addl. Soc. Gen.)
 For the Respondent-IBPS : Mr. Siddhartha Prasad, Adv.
 For the Respondent-UBGB : Mr. Ajay Kumar Sinha, Adv.
 For the Respondent-MBGB : Mr. Mahesh Narayan Parbat, Sr. Adv.
 For the Respondent_BGB : Mr. Ranjeet Kumar Pandey, Adv.
 (In CWJC No.7422 of 2017)
 For the Petitioner/s : Mr. Alok Ranjan, Adv.
 For the Respondent/s : Mr. S.D Sanjay (Addl. Soc. Gen.)
 For the Respondent-IBPS : Mr. Siddhartha Prasad, Adv.
 For the Respondent-UBGB : Mr. Ajay Kumar Sinha, Adv.
 For the Respondent-MBGB : Mr. Mahesh Narayan Parbat, Sr. Adv.
 For the Respondent_BGB : Mr. Ranjeet Kumar Pandey, Adv.
 (In CWJC No.9056 of 2017)
 For the Petitioner/s : Mr. Pramod Kumar Verma, Adv.
 For the Respondent/s : Mr. S.D Sanjay (Addl. Soc. Gen.)
 For the Respondent-IBPS : Mr. Siddhartha Prasad, Adv.
 For the Respondent-UBGB : Mr. Ajay Kumar Sinha, Adv.
 For the Respondent-MBGB : Mr. Mahesh Narayan Parbat, Sr. Adv.
 For the Respondent_BGB : Mr. Ranjeet Kumar Pandey, Adv.
 (In CWJC No.9139 of 2017)
 For the Petitioner/s : Mr. Devendra Kumar, Adv.
 For the Respondent/s : Mr. S.D Sanjay (Addl. Soc. Gen.)
 For the Respondent-IBPS : Mr. Siddhartha Prasad, Adv.
 For the Respondent-UBGB : Mr. Ajay Kumar Sinha, Adv.
 For the Respondent-MBGB : Mr. Mahesh Narayan Parbat, Sr. Adv.
 For the Respondent_BGB : Mr. Ranjeet Kumar Pandey, Adv.
 (In CWJC No.10257 of 2017)
 For the Petitioner/s : Mr. Rakesh Kumar Shrivastava, Adv.
 For the Respondent/s : Mr. S.D Sanjay (Addl. Soc. Gen.)
 For the Respondent-IBPS : Mr. Siddhartha Prasad, Adv.
 For the Respondent-UBGB : Mr. Ajay Kumar Sinha, Adv.
 For the Respondent-MBGB : Mr. Mahesh Narayan Parbat, Sr. Adv.
 For the Respondent_BGB : Mr. Ranjeet Kumar Pandey, Adv.



(In CWJC No.5965 of 2017)

For the Petitioner/s : Mr. Yogendra Kumar Singh, Adv.
For the Respondent/s : Mr. S.D Sanjay (Addl. Soc. Gen.)
For the Respondent-IBPS : Mr. Siddhartha Prasad, Adv.
For the Respondent-UBGB : Mr. Ajay Kumar Sinha, Adv.
For the Respondent-MBGB : Mr. Mahesh Narayan Parbat, Sr. Adv.
For the Respondent_BGB : Mr. Ranjeet Kumar Pandey, Adv.

(In CWJC No.10272 of 2017)

For the Petitioner/s : Mr. Alok Ranjan, Adv.
For the Respondent/s : Mr. S.D Sanjay (Addl. Soc. Gen.)
For the Respondent-IBPS : Mr. Siddhartha Prasad, Adv.
For the Respondent-UBGB : Mr. Ajay Kumar Sinha, Adv.
For the Respondent-MBGB : Mr. Mahesh Narayan Parbat, Sr. Adv.
For the Respondent_BGB : Mr. Ranjeet Kumar Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

C.A.V. JUDGMENT

Date: 07.11-2017

Since these writ petitions raise common grievance and pray for identical reliefs that they have been heard analogous and with the consent of the parties are being disposed of at the stage of admission itself by this common judgment.

The petitioners in this batch of writ petitions are aggrieved by the notification dated 10.3.2017 of the Director, Institute of Banking Personnel Selection, whereby the declared 352 vacancies against the post of Officer Scale-I and 820 vacancies against the post of Office Assistants (Multipurpose) in the Uttar Bihar Gramin Bank (hereinafter referred to as the 'UBGB') has been shown as '0' (zero).

The petitioners alongside pray for a writ in the nature of mandamus commanding the respondents to fill up the posts of Officer Scale-I and Office Assistant (Multipurpose) in the respondent Bihar Gramin Bank (hereinafter referred to as the



‘BGB’), the Madhya Bihar Gramin Bank (hereinafter referred to as the ‘MBGB’), and the ‘UBGB’ within the State of Bihar as advertised in September, 2016 in the following manner:

Name of the Bank	Officer Scale-I	Office Assistants (Multipurpose)
Bihar Gramin Bank	210	215
Madhya Bihar Gramin Bank	392	445
Uttar Bihar Gramin Bank	352	820

Although the relief prayed is such but the petitioners have restricted their arguments to the ‘Nil’ vacancy declared against the posts so advertised by ‘UBGB’.

For the sake of convenience I shall be referring to the pleadings and Annexures as occurring in CWJC No.4780 of 2017 unless clarified with specific reference to the other writ petitions.

The facts leading to the writ petitions lie in a very narrow compass. An online advertisement was issued by the Institute of Banking Personnel Selection (hereinafter referred to as the ‘IBPS’) on 9.9.2016 inviting applications from the intending candidates for filling up the posts of Officer Scale-I, II and III in Group ‘A’ service and the post of Office Assistants (Multipurpose) in Group ‘B’ service in different Regional Rural Banks across the country. The last date of making online application was 30.9.2016. The examination was to be conducted online. The procedure for



selection began by holding preliminary examination followed by the main examination for the successful applicants and which was followed by the process of interview from amongst those who succeeded in the main examination. A copy of the online advertisement is placed at Annexure P/1 to the writ petition and the three banks for which the petitioners herein were applicants i.e. the Bihar Gramin Bank, the Madhya Bihar Gramin Bank and the Uttar Bihar Gramin Bank appear at serial nos.10, 25 and 53 respectively of the list of participating Regional Rural Banks. The vacancies advertised appear at Annexure P/1 and in so far as the three banks in question are concerned the post of Office Assistants (Multipurpose) and Officer Scale-I were advertised in the following manner:

Name of the Bank	Office Assistants (Multipurpose)	Officer Scale-I
Bihar Gramin Bank	215	210
Madhya Bihar Gramin Bank	445	392
Uttar Bihar Gramin Bank	820	352

The ‘IBPS’ is the agency entrusted with the responsibility of holding recruitment process and for allocation/placement of the candidates in different Regional Rural Banks on the basis of merit and option exercised by the applicants.

It is not in dispute that the petitioners herein succeeded in



the preliminary examination as well as in the main examination and have also appeared at the interview so held by the agency i.e. 'IBPS' in the recruitment process. The petitioners herein were shocked by the results declared by the 'IBPS' in so far as the 'UBGB' is concerned because the vacancies against the post of Office Assistants (Multipurpose) and Officer Scale-I was shown as 'Nil' in so far as the 'UBGB' is concerned as confirmed from the provisional allotment notice dated 10.3.2017 impugned at Annexure P/3 series which encloses two Annexures. Annexure B relates to allotment of Officer Scale-I and Annexure A is list of Office Assistants (Multipurpose). While the allotment was in tune with the advertisement in so far as the 'BGB' and 'MBGB' is concerned but in so far as the 'UBGB' is concerned it was shown 'Nil' vacancy against the post of Officer Scale-I as well as the Office Assistants (Multipurpose) which is contrary to the posts advertised and it is feeling aggrieved by such decision that these petitioners are before this Court.

Since it is during the course of argument that a stand was taken by the 'IBPS' that the 'Nil' vacancy declared by them in so far as the 'UBGB' is concerned vide Annexure P/3 series was on the basis of communication received from the 'UBGB' vide their letter dated 13.2.2017 that seeking leave, the said communication is sought to be challenged by the petitioners by filing petition and



since the letter dated 13.2.2017 of the General Manager (HRD), 'UBGB' addressed to the Professor and Head, 'IBPS' is the foundation for the declaration of the result at Annexure P/3 series dated 10.3.2017 that the petitioners have been allowed to question the same in the present proceedings.

Mr. Rajendra Narain, learned senior counsel appearing for the petitioners in CWJC No.4780 of 2017 has led the arguments on behalf of the petitioners which arguments have been followed by Mr. Devendra Kumar Sinha, learned senior counsel appearing in CWJC No.6261 of 2017 with other learned counsel have adopted the arguments so advanced by the learned senior counsel. Mr. Ajay Kumar Sinha, learned counsel has appeared for the 'UBGB' as well as the sponsor bank i.e. the Central Bank of India, Mr. Mahesh Narayan Parbat, learned senior counsel has appeared for the 'MBGB', Mr. Ranjeet Kumar Pandey, learned counsel has appeared for the 'BGB' and Mr. Siddhartha Prasad, learned counsel has appeared for the 'IBPS'.

Mr. Narain, learned senior counsel while arguing for the petitioners, has clarified that the grievance of the petitioners is directed towards the action of the respondent authorities of the 'UBGB' in intimating 'Nil' vacancy to the 'IBPS' vide their letter dated 13.2.2017 in so far as the post of Office Assistants (Multipurpose) and Officer Scale-I is concerned which has resulted



in issuance of notification of provisional allotment at Annexure P/3 series. He thus submits that although the petitioners are aggrieved by the 'Nil' allotment notified by the 'IBPS' but the records transpire that it is the letter dated 13.2.2017 which is the foundation for such notice. It is submitted that the declaration of 'Nil' vacancy against the post of Office Assistants (Multipurpose) and Officer Scale-I in 'UBGB' is not a unilateral decision of the 'IBPS' rather it is in consequence of the directions so given to them by the authorities of the 'UBGB' vide letter dated 13.2.2017.

Mr. Narain, learned senior counsel in response to the preliminary objection raised by Mr. Prasad, learned counsel appearing for the 'IBPS' as to the maintainability of the writ petition in reference to the orders passed by the different Courts holding that no writ lies against the 'IBPS' because it is not a State within the meaning of Article 12 of the Constitution of India, submits that the 'IBPS' makes selection and provisional allotment in the Regional Rural Banks as per their requirement and thus vide Annexure P/3 series the 'IBPS' made provisional allotment in tune with the vacancies advertised in so far as the 'BGB' as well as the 'MBGB' is concerned. He submits that it is wholly on account of the illegal direction given by the authorities of the 'UBGB' that the vacancies as against the post of Office Assistants (Multipurpose) and Officer Scale-I have been shown as 'Nil' by the 'IBPS' thus



prejudicing the claim of the applicants who had opted for placement in 'UBGB'. According to Mr. Narain, should the authorities of the 'UBGB' correct themselves and accordingly communicate the vacancies the wrong can be corrected and follow up steps would be required to be taken by the 'IBPS' because the recruitment process was held by the 'IBPS' bearing in mind the inclusive vacancies in the 'UBGB' and thus any such steps would only be in completion of an incomplete exercise.

Mr. Narain has referred to the supplementary counter affidavit file on behalf of the 'IBPS' to submit that the vacancies were communicated by the General Manager of the 'UBGB' to the 'IBPS' vide letter dated 30.8.2016 whereby in reference to their earlier letter dated 10.6.2016, a copy of which is placed as Annexure R/16 to the said affidavit it was informed that the vacancies put up in the Board's meeting held on 28.6.2016 for approval but has been deferred for the next meeting. The General Manager informed that he would submit the vacancies as soon as it is approved by the Board of the Bank and the 'sponsor bank' (Central Bank of India). He submits that both the letters dated 10.6.2016 as well as 30.8.2016 of the General Manager reiterate the same vacancy position against the post of Officer Scale-I and Office Assistants (Multipurpose) as advertised vide Annexure P/1 i.e. 352 and 820 respectively. It is argued that even the subsequent letter dated



12.9.2016 at Annexure R/18 makes no mention as to the decision of the Board rather by the impugned letter dated 13.2.2017 at Annexure R/19, the General Manager, 'UBGB' intimated the 'IBPS' that the confirmation of the 717 vacancies was not possible because the higher authorities meaning thereby the 'sponsor bank', has kept the approval in abeyance.

It is the argument of Mr. Narain, learned senior counsel that under the scheme of the Regional Rural Banks Act, 1976 (hereinafter referred to as 'the Act') as amended from time to time and the Regional Rural Banks (Appointment and Promotion of Officers and Employees) Rules 2010 (hereinafter referred to as 'the Rules') there can be no interference by the 'sponsor bank' in matters of appointment or in the matter of determination of vacancies which lies entirely within the domain of the Board of Directors of the bank. Mr. Narain has referred to section 2(f) of 'the Act' to submit that it defines a Regional Rural Banks to mean a Regional Rural Bank established under sub-section (1) of section 3 of 'the Act'. He next refers to section 2(g) of 'the Act' to submit that a 'sponsor bank' has been defined in relation to a Regional Rural Bank to mean a bank by which such Regional Rural Bank has been sponsored. In reference to the provisions underlying section 3 of 'the Act' as it was originally enacted in the year 1976 he submits that although the 'sponsor bank' did have a role in matters relating



to recruitment as manifest from section 3(3) of 'the Act' but this enabling provision was subsequently deleted vide Regional Rural Banks (Amendment) Act, 1987 (hereinafter referred to as the 'Amendment Act, 1987') whereby sub-section (3) of section 3 was substituted restricting the role of a 'sponsor bank' in simply aiding and assisting a Regional Rural Bank in matters of subscribing share capital and of training personnel for such Regional Rural Bank as well as for providing managerial and financial assistance in the initial 5 years of the functioning of the bank concerned. It is submitted that though under the 'Amendment Act, 1987' the period of 5 years was extendable at the discretion of the Central Government but even this provision was deleted vide Regional Rural Banks (Amendment Act) 2015 (Act No.14 of 2015) vide section 2(a) of the Amendment Act when the stipulated period was deleted together with the proviso.

He next refers to section 8 of 'the Act' to submit that the management of the bank vests in the Board of Directors constituted under section 9 of 'the Act'. It is submitted that section 17 of 'the Act' provides for the staff of Regional Rural Banks and it is the Bank concerned, who has been given the discretion to appoint such number of officers and employees as it may consider necessary or desirable for efficient performance of its functions and to determine the terms and conditions of appointment/service. He submits that



although the 'sponsor bank' has been allowed to send such number of officers and employees on deputation to the Regional Rural Banks as found necessary but this does not bestow any power on the 'sponsor bank' to interfere with the appointment. In reference to sections 29 and 30 of 'the Act' he submits that while under section 29 the Central Government in consultation with the Reserve Bank of India and Sponsor Bank, has been vested with the power to make rules for carrying out the provisions of 'the Act' section 30 of 'the Act' enables the Board of Directors to frame Regulation after consultation with the Sponsor Bank and the Reserve Bank with previous sanction of the Central Government, which is not inconsistent with the provisions of 'the Act'. It is submitted that by the 'Amendment Act, 1987' section 17 was modified with absolute discretion being given to the Regional Rural Bank concerned to make appointment of officers and employees for efficient performance of functions.

Mr. Narain, learned senior counsel has next referred to 'the Rules' framed by the Central Government and making reference to rule 4 which relates to creation of post, he submits that the Board of Directors is vested with the power to create requisite number of vacancies in each category of posts specified in the First Schedule, in accordance with the guidelines approved by the Central Government. In reference to rule 5 he submits that the power of



determination of vacancies is vested with the Board for each category of posts to be filled up by direct recruitment or promotion keeping in view the guidelines approved by the Central Government. He next refers to rule 6 to submit that all vacancies determined under rule 5 by the Board is to be filled up by promotion or direct recruitment in accordance with the provisions of 'the Rules' and the 3rd Schedule attached thereto. He submits that rule 7 prescribes for the appointing authority and provides that the Chairman shall be the appointing authority in respect of officers and the General Manager shall be the appointing authority in respect of employees, if so authorized by the Board. The rule further provides that if there is no incumbent to the post of General Manager, the Chairman shall be the appointing authority in respect of employees as well. He submits that rule 8 provides for direct recruitment and stipulates that the vacancies of officers and employees shall be filled up by each Regional Rural Bank in accordance with the provisions of the 3rd Schedule and subject to such guidelines issued by the Central Government from time to time. It is submitted that the agency to hold the recruitment is prescribed under rule 9 and the 'IBPS' or any other agency approved by the sponsor bank has been assigned to conduct the recruitment to the post of officers and employees other than those in Group 'C' which are to be filled up in accordance with rule 10. It is



submitted that the 3rd Schedule appended to 'the Rules' provides for appointment of officers and employees of Groups 'A', 'B' and 'C' by direct recruitment as well as by promotion and which is to be done on the basis of written test and interview.

It is argued that it is following the scheme of 'the Act' and 'the Rules' framed thereunder that the vacancies were communicated to the 'IBPS' by the General Manager of the 'UBGB' vide Annexures R/16 and R/17 but it withheld the decision of the Board of Directors on the approval of the vacancies. In reference to the letter dated 13.2.2017 of the General Manager addressed to the 'IBPS' he submits that although there is a disclosure of 717 vacancies approved by the Board of Directors but on the directives of the 'sponsor bank' of keeping these vacancies in abeyance that directions were issued to the 'IBPS' for treating the vacancies of the year 2016-17 as 'zero' which communication is wholly illegal because the 'sponsor bank' has no jurisdiction to interfere in the recruitment process or to influence the same.

Learned counsel in reference to the statements made at paragraphs 2 to 4 of the supplementary counter affidavit filed on behalf of the respondent 'UBGB' submits that the stand taken by the respondent bank in support of their impugned action is contrary to the statutory position. He submits that the power to determine the vacancies in a Regional Rural Bank entirely vests in the Board of



Directors who are neither bound by the dictates of the 'sponsor bank' nor can be permitted to surrender to their jurisdiction in matters relating to recruitments. He thus submits that in view of the statutory stipulations so discussed the defence of the illegal action by the respondent 'UBGB' in relying upon a directives of the 'sponsor bank' i.e. the Central Bank of India in keeping the vacancies for the period 2016-17 in abeyance is an illegal overreach by the 'sponsor bank' and the surrender by the 'UBGB' to the dictates of the 'sponsor bank' while issuing the letter dated 13.2.2017 is de-hors the statutory prescriptions and thus unsustainable.

The arguments of Mr. Narain, learned senior counsel has been seconded by Mr. Devendra Kumar Sinha, learned senior counsel as well as learned counsel appearing for the petitioners in other writ petitions.

Mr. Mahesh Narayan Parbat, learned senior counsel appearing for the 'MBGB' and Mr. Ranjeet Kumar Pandey, learned counsel appearing for the 'BGB' submitted that the petitioners can have no grievance against them because the provisional allotment notice has been issued in consideration of merit and the option exercised by the applicants and none of the petitioners herein made it to these two banks. It is further submitted that there is no role of these banks in so far as the issue of declaration of 'Nil' vacancy



against the post of Officer Scale-I and Office Assistants (Multipurpose) in 'UBGB' is concerned. According to the learned counsel, they have unnecessarily been impleaded in the writ petitions because the provisional allotment in these banks was strictly on the basis of merit and option exercised and since the petitioners have failed to make the grade for provisional allotment in these banks, they can raise no grievance against these banks.

Mr. Siddhartha Prasad, learned counsel appearing for the 'IBPS' while reiterating his objection on the maintainability of the writ petitions in so far as it seeks any relief against the 'IBPS' has submitted that the 'IBPS' simply proceeds to hold recruitment in consideration of the requests placed by the Regional Rural Banks. It is submitted that the vacancies advertised by the 'IBPS' is as per the request made by the participating Regional Rural Banks for provisional allotment of candidates against their reported vacancies. It is submitted that the respondent 'IBPS' is performing the work of selection of suitable personnel for the banking service for different posts as per the requirement of the participating Regional Rural Banks as per the mandate given by them and that the appointment orders are issued by the respective Regional Rural Bank concerned to which the candidates are provisionally allotted in order of merit and option exercised bearing in mind the proficiency of local languages.



Learned counsel in reference to the letters present at Annexures R/16 to R/19 submits that although initially the General Manager of the 'UBGB' had intimated the tentative vacancies vide letter dated 10.6.2016 at Annexure R/16 and which was the basis for issuance of the advertisement on 9.9.2016 but since thereafter the General Manager delayed the confirmation of vacancies by reasoning it to the pendency before the competent authorities of the bank which is manifest from letter dated 30.8.2016 and 12.9.2016 and ultimately vide letter dated 13.2.2017 it was communicated by the General Manager, 'UBGB' that since the 'sponsor bank' had directed for keeping the vacancies for 2016-17 in abeyance vide Annexure R/19, that the vacancies may be treated as '0' (zero). It is submitted that this decision was accordingly reflected in the provisional allotment present at Annexure P/3 series. It is specifically argued by Mr. Prasad that until 13.2.2017 never did the 'UBGB' dispute the vacancy position nor the 'IBPS' was asked to issue any corrigendum even though the authorities of the 'UBGB' were fully aware of the recruitment process.

In substance the argument of Mr. Prasad is that the 'IBPS' merely carries out the duties of holding selection process as per the request made by the participating Regional Rural Banks and it is after holding the selection process which comprises of written examination(s) and interview that the provisional allotments are



made in accordance with the merit position and the option exercised bearing in mind the requirement of the concerned Regional Rural Banks. It is contended that since in the present case the 'UBGB' after having declared the tentative vacancies as notified in Advertisement published, has issued directions for treating the vacancy as 'Nil' that they have accordingly notified as such in the notice of provisional allotment present at Annexure P/3 series.

Mr. Ajay Kumar Sinha, learned counsel has appeared for the 'UBGB' and also the 'sponsor bank' i.e. the Central Bank of India. Surprisingly even though the entire matter revolves around the directives issued by the 'sponsor bank' in treating the vacancies as 'Nil' but the 'sponsor bank' despite registering their appearance before this Court, have not chosen to file their counter affidavit to contest the pleadings. Mr. Sinha arguing for the 'UBGB' has referred to the advertisement at Annexure P/1 to submit that the vacancies were advertised without requisition by the bank. He submits in reference to the letter dated 30.8.2016 enclosed at Annexure R9/1 to the counter affidavit filed on behalf of the respondent 'UBGB' which is also Annexure R/17 to the supplementary counter affidavit of the 'IBPS' to submit that a plain reading of the communication would confirm that the vacancies were yet to be finalized by the Board of Directors and it is for this reason that the letter clearly mentioned that till the vacancies are



placed before Board for approval, it is being forwarded 'for the needful'. He submits in reference to the letter dated 12.9.2016 of the General Manager at Annexure R9/2 which is also R/18 to the supplementary counter affidavit of respondent 'IBPS' that the same position was reiterated. He submits that the communication on record would confirm that the vacancy was tentative and yet to be finalized and thus no enforceable right does exist in these petitioners to seek any direction on the basis of the tentative vacancies.

It is under the orders of this Court that the proceedings relating to determination of manpower budget for the period 2016-17 and 2017-18 has been produced by Mr. Sinha and in reference thereto he submits that the issue relating to manpower budget for the period 2016-17 is listed as Agenda No.49 on 28.6.2016 and was adjourned to the next date i.e. 7.9.2016 when the Board vide Agenda No.1217 did confirm 717 vacancies for the year 2016-17. While not disputing the statutory position regarding the power vested in the Board in matters of determination of vacancies, learned counsel in reference to the provisions underlying section 24A of 'the Act' which was inserted vide 'Amendment Act, 1987' submitted that under the supervisory power of inspection, audit and scrutiny, the 'sponsor bank' has every reason to express opinion on matters relating to recruitment.



According to Mr. Sinha, since the Board of Directors in its meeting held on 19.9.2016 decided to obtain the approval of the 'sponsor bank' on the issue that the opinion was taken and since the 'sponsor bank' was of the view that the vacancies be kept in abeyance that accordingly the 'IBPS' were communicated to show the vacancies as 'zero' for the year 2016-17. Learned counsel has referred to Agenda No.1315 of the meeting held on 15.12.2016 to submit that although 717 vacancies had been approved by the Board of Directors to various categories which included the promotional post but it was decided to place the same before the 'sponsor bank' for approval.

In reference to the judgment of the Supreme Court reported in **(2012)13 SCC 302 (Kodakara Farmers Service Cooperative Bank Limited vs. K.K. Neena and others)** he submits that in the nature of contest raised, no mandamus can be issued for directing appointment or filling up the post.

Concluding the argument it is the submission of Mr. Prasad in reference to the judgment of Supreme Court reported in **(1991)3 SCC 47 (Shankarshan Dash Vs. Union of India)** and in a particular reference to paragraph 7 thereof that the selection process having been completed no enforceable right does exist in the petitioners. In reference to another judgment of the Supreme Court reported in **(2016) 6 SCC 532 (Kulwinder Pal Singh vs. State of**



Punjab) he submits that the prerogative lies with the employer whether or not to fill up the vacancies.

I have heard learned counsel for the parties and I have perused the records and on consideration of the lead arguments made by learned counsel for the contesting parties in my opinion it is the following issues which arise for adjudication by this Court:

- (a) Whether in the nature of relief prayed by the writ petitioners as it stands modified by the challenge to the direction given by the General Manager, 'UBGB' vide letter dated 13.2.2017, the writ petitions are maintainable?
- (b) Whether in view of the law settled by the Supreme Court in the case of **Shankarshan Dash** (supra) which position is reiterated in the later judgments of the Supreme Court relied upon by Mr. Sinha and Mr. Prasad, there can be any direction to the respondents to fill up the posts?
- (c) The third issue which requires consideration is, whether the direction issued by the General Manager, 'UBGB' vide letter dated 13.2.2017 directing the 'IBPS' to treat the vacancies in the grade of Officer Scale-1 and Office Assistants (Multipurpose) as 'Nil' is lawful?

While it has been the argument of Mr. Narain, learned



senior counsel appearing for the petitioners that a direction to the 'UBGB' to correct themselves by communicating the vacancies as approved by the Board of Directors in their meeting held on 19.9.2016 followed by the resolution dated 15.12.2016 would pave the way for follow up action by the 'IBPS', as regarding the issue of filling up of the post is concerned, it is further his argument that the decision communicated to the 'IBPS' by the General Manager, 'UBGB' is de hors the resolution of the Board of Directors and the reliance on the advisory of the 'sponsor bank' is contrary to the statutory stipulations.

On the other hand, Mr. Sinha, learned counsel appearing for the 'UBGB' as well as the 'sponsor bank' has while relying upon the law settled by the Court on the right of the employer to fill up or not to fill up the vacancies, has supported the impugned direction contained in the letter dated 13.2.2017 on the supervisory jurisdiction vested in the 'sponsor bank' to opine on issue of recruitment. Mr. Prasad learned counsel appearing for the 'IBPS' while objecting to any relief being directed against the 'IBPS' has submitted that since the selection process is over, nothing survives for the petitioners for the present.

I would take up the issues so raised and contested by the parties one by one.

In so far as the issue of maintainability is concerned, since



learned counsel for the petitioners while questioning the 'Nil' vacancy notified by the 'IBPS' in the notice of provisional allotment present at Annexure P/3 series, have questioned the foundation on which this notification rests, i.e. the letter dated 13.2.2017 of the General Manager, 'UBGB' and while questioning the said directions on grounds of suffering from statutory violations, they have alongside prayed for a direction to the 'UBGB' to communicate the correct vacancies to the 'IBPS' to enable them to fill up the posts in accordance with the advertised vacancies, I am of the opinion that the writ petitions are much maintainable because it is not the independent action of the 'IBPS' which is put to challenge in these writ petitions rather it is the genesis on which the notice of provisional allotment present at Annexure P/3 series is founded, which is the cause of grievance for the writ petitioners.

In the nature of the action complained of by the petitioners, the writ petitions are held maintainable and the preliminary objection thus raised by Mr. Prasad is accordingly answered.

For recording my opinion on the right of the employer to fill up the posts and whether there is any infirmity in the directions contained in the letter dated 13.2.2017 of the General Manager, 'UBGB', I would first refer to some of the statutory provisions underlying 'the Act' and 'the Rules' framed thereunder as well as



the decision of the Board of Directors on the issue before I proceed to record my final opinion.

A reference to the arguments advanced by Mr. Narain, learned senior counsel appearing on behalf of the petitioners on the statutory prescriptions underlying the 'Act' as amended from time to time would confirm that although the provisions underlying section 3(3) of 'the Act' as it was originally enacted in 1976 did confer power on the 'sponsor bank' i.e. the Central Bank of India in the present case, to opine in matters regarding recruitment apart from other issues but this power was withdrawn vide Regional Rural Banks (Amendment) Act, 1987 (Act No.1 of 1988) with effect from 6.1.1988 when it was published in the Gazette of India Extraordinary. Although the 'sponsor bank' continued to possess jurisdiction to aid and assist the Regional Rural Banks sponsored by it by prescribing to share capital as well as in training of personnel etc. and also to provide staff in the initial period of establishment of any Regional Rural Bank as confirmed from section 3 and section 17 as it stands amended but clearly the power to interfere in the recruitment process stood withdrawn by the Parliament.

Section 17 of 'the Act' clearly vests the Regional Rural Bank concerned with powers to appoint such number of officers and employees as it considers necessary for efficient performance of its function and also to determine their service conditions.



Section 8 of 'the Act' vests power of general superintendence, of direction and management of affairs and business of the Regional Rural Bank, in the Board of Directors as discharged by the Regional Rural Banks who have been empowered to appoint such number of officers/employees under section 17 as deemed necessary.

The next important provision is section 29 which empowers the Central Government to frame 'Rules' in consultation with the Reserve Bank of India and the 'sponsor bank'. It is a matter of record that in exercise of power vested under section 29 that Central Government has framed the Regional Rural Banks (Appointment and Promotion of Officers and Employees) Rule, 2010.

Rule 4 of 'the Rules' empowers the Board to create requisite number of vacancies in each categories of posts as specified in the First Schedule in accordance with the guidelines approved by the Central Government.

Rule 5 of 'the Rules' empowers the Board to determine the number of vacancies in each category of posts to be filled up by direct recruitment or promotion keeping in view the guidelines approved by the Central Government.

Rule 6 of 'the Rules' inter alia, provides that the vacancies determined by the Board under rule 5 shall be filled up by promotion or direct recruitment in accordance with the provisions contained in 'the Rules' and the Third Schedule attached thereto.

Rule 7 provides that the appointing authority for the officers of the Bank would be the Chairman and the General Manager shall be the



appointing authority for the employees, if so authorized, by the Board.

Rule 9 appoints the 'IBPS' or any other agency approved by the Board as the agency for holding direct recruitment process.

The provisions referred to above leave no room for any confusion that it is the Board of Directors of the Regional Rural Bank concerned, alone, who is empowered to determine the vacancies in the grade of officers or the employees in tune with the provisions of 'the Rules' and the Schedules attached thereto.

The supplementary counter affidavit filed on behalf of the 'IBPS' itself confirms the illegalities in the action of the respondent 'UBGB' through its General Manager in declaring 'Nil' vacancy in the grade of Officer Scale-1 and Office Assistants (Multipurpose) after having communicated 352 vacancies in the grade of Officer Scale-1 and 820 vacancies in Grade of Office Assistants (Multipurpose) to the 'IBPS' vide letter dated 16.6.2016 enclosed at Annexure R/16 to their supplementary counter affidavit. The letter issued under the signature of the General Manager, 'UBGB' clearly informs the 'IBPS' that the vacancies were approximate and subject to approval by the Board. This position is reiterated in the second letter dated 30.8.2016 of the General Manager, 'UBGB' addressed to the 'IBPS' present at Annexure R/17 of the same supplementary counter affidavit and which again prays for time to communicate the approval of the Board and the 'sponsor bank'. The same position is reiterated in the third communication dated



12.9.2016 at Annexure R/18 but thereafter the 'UBGB' has taken a turn around to issue letter dated 13.2.2017 after a lapse of 5 months directing the 'IBPS' to declare 'Nil' vacancy because the 'sponsor bank' has not given approval for the vacancies for the period 2016-17 although 717 vacancies have been put up for confirmation. The statement of 'IBPS' at paragraph 14 of the supplementary counter affidavit explains it all when it mentions that right since after the publication of the advertisement on 9.9.2016 until issuance of the letter dated 13.2.2017 never did the 'UBGB' dispute the vacancies published or asked the 'IBPS' for any corrigendum.

Although the initial vacancies advertised on the communication given by the General Manager, 'UBGB' as manifest from Annexure R/16 is 352 in grade of Officer Scale-1 and 820 vacancies in grade of Office Assistants (Multipurpose) apart from other vacancies but this figure was tentative and was subsequently reduced to 717 as confirmed from their letter dated 13.2.2017 at Annexure R/19. Since the letter dated 10.6.2016 of the General Manager 'UBGB' itself clarified that the vacancies were tentative and subject to approval by the competent authority, the modification thereof cannot be faulted with. It is thus to be seen as to what was the decision of the Board of Directors on the vacancies relating to the period 2016-17.

The records have been produced by Mr. Sinha and it is



manifest from Agenda No.1217 put up in the meeting of the Board of Directors held on 7.9.2016 that the Board of Directors gave its approval to 717 vacancies as the manpower budget for the period 2016-17 and which has been endorsed in the meeting dated 19.12.2016 of the Board of Directors vide Agenda No.1315, the proposal of which is present in the records produced by Mr. Sinha with the heading “52nd BOD meeting agenda and Agenda notes dated 19.12.2016”.

The position has also been admitted by the respondent ‘UBGB’ in their counter affidavit at paragraphs 7 and 9 in which they do accept that the Board of Directors of the Bank had given approval to 717 vacancies for the period 2016-17 but since it did not have the sanction of ‘sponsor bank’ hence it was termed as provisional until approval obtained from the ‘sponsor bank’ and since the ‘sponsor bank’ did not give its approval hence the said vacancies were directed to be kept in abeyance which is the statement made in paragraph 10 of the said counter affidavit. There is thus no dispute on the factual position that the Board of Directors of ‘UBGB’ had granted approval to 717 vacancies for the period 2016-17.

The issue is that in view of the statutory position where absolute power is vested in the Board of Directors not only to determine the vacancies but to take all steps to fill up the same in



furtherance thereof, whether the Board of Directors have abdicated their responsibility to surrender to the jurisdiction of the 'sponsor bank' even in respect of the statutory responsibility cast on them and whether the 'sponsor bank' has usurped such jurisdiction from the Board of Directors. The answer is in the affirmative and the facts on record confirm this position.

Paragraphs 7, 9 and 10 of the counter affidavit of the respondent 'UBGB' makes it absolutely clear that there were not less than 717 vacancies which had the approval of the Board of directors and even though this was a reduction on the vacancies tentatively advertised but even these vacancies were set at naught simply because the 'sponsor bank' did not choose to give approval. The facts on record confirm a clear interference by the 'sponsor bank' with the statutory discretion vested in the Board of Directors in the matter of determination of vacancies and in taking steps for filling up the same.

Since after the amendment of 1987, the power vested in the 'sponsor bank' in the matter of recruitment stood withdrawn but perhaps the 'sponsor bank' has not come to terms with its limited jurisdiction in aiding and assisting the Regional Rural Bank concerned for yet they are exercising jurisdiction to interfere in appointment matters which exercise is clearly in excess of jurisdiction so vested in the 'sponsor bank' under 'the Act' and 'the



Rules' framed thereunder.

Law is very well settled and where a decision of the statutory authority is influenced by the directives of any authority howsoever superior, the decision is rendered illegal for it does not confirm to the independent exercise by the statutory authority. I am tempted to refer to a judgment of the Supreme Court since reported in **(2010)11 SCC 557 (Manohar Lal vs. Ugrasen)** more particularly paragraphs 12 to 22 thereof wherein the Supreme Court taking note of a number of its judgment holding the orders of statutory authority on being influenced by the directives of the superior authority, bad in law, has concluded in paragraph 23 as follows:

“Therefore, the law on the question can be summarized to the effect that no higher authority in the hierarchy or an appellate or revisional authority can exercise the power of the statutory authority nor can the superior authority mortgage its wisdom and direct the statutory authority to act in a particular manner. If the appellate or revisional authority takes upon itself the task of the statutory authority and passes an order, it remains unenforceable for the reason that it cannot be termed to be an order passed under the Act.”

In view of the legal position so well settled, the direction issued by the General Manager, 'UBGB' to the 'IBPS' as contained in the letter dated 13.2.2017 at Annexure R/19 to the supplementary counter affidavit of the 'IBPS' which though clearly admits the approval granted by the Board of Directors to the 717 vacancies but since the vacancies failed to obtain approval of the 'sponsor bank'



who opined to keep the vacancies in abeyance, that the General Manager, 'UBGB' has directed the 'IBPS' to treat the vacancies as 'Nil', is unsustainable for even though the 'sponsor bank' bears statutory character under 'the Act' and 'the Rules' framed thereunder but it has not been conferred with any jurisdiction to interfere in recruitment matters and thus their interference with the determination of vacancies to influence the recruitment process, is an act wholly without jurisdiction and consequently the decision of 'the UBGB' resting thereon is perpetuation of illegality which is unsustainable in law.

The case in hand depicts a rather shoddy function in the 'UBGB' and it is about time that steps are to be taken to improve the management.

Considering that selection process was held by the 'IBPS' for filling up of the posts in more than 50 Regional Rural Banks across the country inclusive of the 3 Regional Rural Banks in the State of Bihar but the sorry state of affairs reflecting indecisiveness is exclusively in the case of 'UBGB' because in so far as the other two banks i.e. the Bihar Gramin Bank and the Madhya Bihar Gramin Bank are concerned, there is no such dispute.

There is no contest that a Regional Rural Bank concerned has power to vary the number of vacancies and though in my considered opinion this exercise is to be carried out before the



vacancies are communicated to the 'IBPS' for holding selection process yet it is the number of vacancies finally approved by the Board of 'UBGB' which would be relevant for the issue.

The statutory stipulations present under 'the Act' and 'the Rules' framed thereunder would confirm that it is the Board of Directors of a Regional Rural Bank alone, who is vested with the power of creation of posts, determination of vacancies and of filling up of the same in accordance with the guidelines as well as in accordance with the 'Rules' and the provisions of the Third Schedule and thus once the Board of Directors had granted approval to 717 vacancies then it is an act of abdication of the Board of Directors of 'UBGB' to have surrendered to the jurisdiction of the 'sponsor bank' and in absence of any jurisdiction on the 'sponsor bank' to opine on such decision of the Board of Directors, the direction contained in the letter dated 13.2.2017 of the General Manager, 'UBGB' to the 'IBPS' to treat the vacancies as 'Nil' simply on grounds that it did not have the approval of the 'sponsor bank' is an illegal direction and is dehors the statutory prescriptions.

This would bring this Court to the last of the issue whether in view of the judgment of the Supreme Court in the case of **Shankarshan Dash** (supra) as well as the other judgments relied upon by learned counsel for the respondents, the petitioners would



be entitled to any relief and whether any direction could be issued to the 'UBGB' to fill up the posts. I am of the opinion that this issue has incorrectly been raised by the learned counsel for the 'UBGB' as well as the 'IBPS' because there is no such decision of the Board of Directors of the 'UBGB' not to fill up the post, which is put to challenge herein rather it is the action of the respondent 'UBGB' in communicating 'Nil' vacancy to the 'IBPS' despite approval of 717 vacancies given by the Board of Directors which is put to challenge herein.

In the nature of dispute thus raised in these writ petitions the argument advanced by learned counsel appearing for the 'UBGB' and the 'IBPS' as to the right of the employer to fill up or not to fill up the post, is completely out of context because the action impugned is not founded on any such decision of the Board of Directors.

Before parting I need to place on record that since the declaration of 'Nil' vacancy by the 'IBPS' in the notice of provisional allotment at Annexure P/3 series is resting on the communication of the General Manager 'UBGB' as contained in the letter dated 13.2.2017, no infirmity can be found in the notice of the provisional allotment of the 'IBPS' for the present.

For the reasons and discussions above, the direction contained in the letter dated 13.2.2017 of the General Manager,



‘UBGB’ requiring the ‘IBPS’ to declare ‘Nil’ vacancy for the selection process in question for the period 2016-17 cannot be upheld and is accordingly quashed and set aside and accordingly the authorities of the respondent ‘UBGB’ i.e. the respondent nos.9 and 10 are directed to communicate to the ‘IBPS’ the vacancies in Officer Scale-1 and Office Assistants (Multipurpose) in tune with the approval granted by the Board of Directors for the period 2016-17 i.e. for the selection process in question and which should be communicated by the Chairman, ‘UBGB’ within a period of four weeks from the date of receipt/production of a copy of this judgment.

The writ petitions heard analogous are allowed with the direction so passed.

Let the records so produced by Mr. Sinha, learned counsel for the ‘UBGB’ be returned to his custody.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	AFR
CAV DATE	18-08-2017
Uploading Date	12-11-2017
Transmission Date	NA

