

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1930 OF 2017

Shri. Devendra Hedao

....Petitioner

V/s.

The CEO-Indian Operawtion

SBM Bank of Mauritius Ltd.

.....Respondent

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Mr. Rahul Ram Pandit and Mr. Premanand Torane,
Advocate for the petitioner.

None for the respondent.

Coram : A.S. Oka, &

Sandeep K. Shinde, JJ.

Monday, 17th December, 2018.

P.C. :

1. The petitioner who was appointed as Manager, IT-Projects and Infrastructure with SBM Bank of Mauritius Limited at Mumbai tendered his resignation which was accepted. The contention raised in this writ petition under Article 226 of the Constitution of India is that, the petitioner was forced to submit his resignation. The petitioner is relying on the transcript of alleged talk between him and the

CEO of the Bank.

2. Firstly, instead of impleading the Bank as the respondent, the CEO of the Bank has been impleaded. Secondly, the question is whether the said Bank is a State within the meaning of Article 12 of the Constitution of India. Thirdly and more importantly, the question whether the petitioner who was holding high position of Manager, was forced to submit resignation is purely a disputed question of fact which will require recording of evidence.

2. Therefore, this is not a fit case to entertain the petition under Article 226 of the Constitution of India. The petition is rejected. However, the remedies of the petitioner are kept open.

(SANDEEP K. SHINDE, J)

(A.S. OKA, J)