

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12094 of 2014

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Sneh Kunj Parna, s/o Kumar Agni Parna, R/o Parna Sikha Kriti Agamkuan
Pahari Road, P.S. Bypass, P.O. Gulzarbag- Dist. Patna

... .. Petitioner/s

Versus

1. The Institute Of Banking Personnel Selection through its Director, IBPS House 90 feet, D.P. Road Kandivali (E), Mumbai-4000101, Maharashtra
2. The Director, Institute of Banking Personnel Selection, IBPS House 90 feet, D.P. Road Kandivali (E), Mumbai-400101, Maharashtra
3. The General Manager, Administration, Institute of Banking Personnel Selection IBPS House, Neqar Thakur Polytechnic, 90 DP Road, Off. Wester Express Highway, P.B. No.8587, Kandivali (E), Mumbai-400101

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ram Shankar Das, Advocate
For the Respondent/s	:	Mr. Siddhartha Prasad
		Mr. Sunit Kumar, Advocates

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 10-07-2019

Heard parties.

This writ petition has been filed on behalf of petitioner for issuance of writ of mandamus directing respondents IBPS to appoint petitioner in any 19 public sector Banks for which respondent - IBPS was engaged as test conducting agency and same was conducted for recruitment of POs through common written examination.

Petitioner was provisionally allotted in order of merit -cum-preference for the year 2013-14 and was selected under OBC category but was not offered appointment by any 19



Public Sector Banks and as such present petition has been filed for issuance of writ of mandamus to respondents to appoint petitioner under any 19 public sector banks in which petitioner qualified in common written examination conducted by the respondent- Institute of Banking Personal Selection, Mumbai.

Counter affidavit has been filed on behalf of respondents stating therein that IBPS is not “ State” as defined under Article 12 of Constitution of India and is a public trust registered under Society Registration Act, 1860 as such, not amenable to writ jurisdiction.

Counsel for the respondent has placed on record a judgment and order passed by the Apex Court in Civil Appeal No.4445 of 2019 (Rajbir Surajbhan Singh Versus The Chairman, Institute of Banking Personnel Selection, Mumbai) in which the Apex Court has held that writ petition against respondent IBPS is not maintainable. Paragraph 15 of the aforesaid judgment is quoted below:-

“15. This Court in Federal Bank case held that a Writ Petition under Article 226 of the Constitution is not maintainable against a scheduled bank on the ground that the business of banking does not fall within the expression “public duty”. As the activity of the Respondent of conducting the selection process for appointment



to the banks is voluntary in nature, it cannot be said that there is any public function discharged by the Respondent. There is no positive obligation, either statutory or otherwise on the Respondent to conduct the recruitment tests. For the reasons above, we are of the considered opinion that the Respondent is not amenable to the Writ Jurisdiction under Article 32 or Article 226 of the Constitution of India.”

The writ petition is not maintainable and is, accordingly, dismissed.

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.09.2019
Transmission Date	NA

