

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 2077 of 2020

Vikash Bhushan S.P.F. No. 41747, Son of Chandra Bhushan Singh Resident of New Jakkanpur Colony, New Airtel Tower, Patna Bihar-800001.

... .. Petitioner/s

Versus

1. The United Bank of India through the Chief Managing Director, U.B.I.
2. The General Manager (HRM), United Bank of India (HR)-Cum-the Chief Regional Manager, Regional Office, Patna, Frazer Road, Patna-800001.
3. The Assistant General Manager (HRM), Cum-the Chief Regional Manager, United Bank of India, Regional Office, Patna, Frazer Road, Patna-800001.
4. The Branch Manager, United Bank of India, at Dehri Branch, District Rohtas, PIn Code-821305 (Bihar).
5. The Branch Manager, United Bank of India at Kandla Branch, Plot No. 276, Ward No. 12B, Gandhi Dham, Gujrat, Pin Code-370201 (Gujrat).

... .. Respondent/s

For the Petitioner/s : Mr Naresh Prasad, Ms Archana Mishra,
Ms Pushpa Kumari, Advocates
For the Respondent/s : Dr Binod Bihari Sinha,
M/s Ajay Dutt Mishra, Amarjeet Choudhary, Advs

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 24-02-2020

Heard learned counsel for the petitioner and the Respondents.

2 Learned counsel for the Respondent-United Bank of India (for brevity, *the Bank*) takes a preliminary objection regarding the writ petition not maintainable before this Court for want of territorial jurisdiction. Referring to the order of suspension dated 19.02.2018, it is submitted that the same was issued when the petitioner was functioning as an Officer in the Kandla Branch of the Bank at Gujarat. The appropriate remedy



available to the petitioner, as per submission of the Respondent-Bank, is not within the territorial jurisdiction of this Court exercising jurisdiction under Article 226 of the Constitution of India.

3 Learned counsel for the petitioner submits that the petitioner is a resident of Patna and his first posting was also at Patna and, therefore, the writ petition at Patna is maintainable under Article of the Constitution of India. The issue of territorial jurisdiction has to be considered in light of the constitutional provisions contained in Article 226 (2) of the Constitution of India. This Court would consider it useful to reproduce the same:

226. Power of High Courts to issue certain writs.- (1)

(2) The power conferred by Clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power; notwithstanding that the seat of such Government or authority or the resident of such person is not within those territories."

4 The test of jurisdiction has to be applied in the background of the provisions contained in Article 226 (2) of the Constitution of India. The same specifically provides that cause of action, wholly or in part is to arise within the territorial jurisdiction of the High Court exercising jurisdiction under Article 226 of the



Constitution of India. The fact that the petitioner is a permanent resident of Patna and that his first posting was at Patna is not relevant as the suspension was under order dated 19.02.2018 when the petitioner was an Officer in the Kandla Branch of the Bank at Gujarat. The same, therefore, does not constitute even a part of the cause of action when the petitioner was posted at Patna. The fact that he is a permanent resident of Patna is not one of the facts to be proved and does not constitute any part of the cause of action. The issue is only regarding suspension of the petitioner under order dated 19.02.2018, that also at the time when the petitioner was posted at Kandla Branch of the Bank beyond the territorial jurisdiction of this Court.

5 Objection of the learned counsel for the Bank, therefore, merits consideration.

6 The petitioner would be at liberty to avail remedy before the appropriate forum of competent territorial jurisdiction.

7 Writ petition stands disposed of with liberty, as aforesaid.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.03.2020
Transmission Date	NA

