

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-5591-2017

Date of Decision:-06.02.2020

AATISH SACHDEVA

.....Petitioner

Versus

INSTITUTE OF BANKING PERSONAL SELECTION & ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Jaswinder Singh, Advocate
for the petitioner.

Mr. Aayush Gupta, Advocate
for the respondent No.1.

Mr. J.S. Lalli, Advocate
for the respondent No.3.

Respondent No.2 was set ex parte vide order dated 25.09.2019.

SANJAY KUMAR, J. (Oral)

This writ petition was filed assailing the action of the Institute of Banking Personnel Selection, Mumbai, the first respondent, in not allowing the petitioner to attend the interview for recruitment to various posts notified by different banks.

By order dated 20.03.2017, this Court directed one post to be kept reserved for the petitioner.

While so, Mr. Aayush Gupta, Advocate for the respondent No.1/Institute, states that the writ petition is not maintainable as the first respondent/Institute is not an authority within the meaning of Article 12 of the Constitution of India. He further states that this issue stands settled by

the judgment dated 29.04.2019 of the Hon'ble Supreme Court in Civil Appeal No. 4455 of 2019, titled ***“Rajbir Surajbhan Singh Vs. The Chairman, Institute of Banking Personnel Selection, Mumbai”***. A copy of the said judgment is placed on record.

Perusal of the judgment reflects that the Supreme Court opined that as the first respondent/Institute was set up for the purpose of conducting recruitment for appointment to various posts in Public Sector Banks and other financial institutions and was not discharging a public duty, it would not be amenable to writ jurisdiction. The Supreme Court further observed that the Institute was not the creature of a statute and no statutory duties or obligations were imposed upon it.

As the Supreme Court categorically held that the first respondent/Institute is not discharging any public duty or public function and would not be amenable to writ jurisdiction under Article 226 of the Constitution of India, this writ petition is not maintainable.

The writ petition is accordingly dismissed on that ground.

Interim order dated 20.03.2017 shall stand vacated.

No order as to costs.

(SANJAY KUMAR)
JUDGE

06.02.2020
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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.