

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3769 of 2021**

Sunil Kumar Singh S/o Shri Gopal Singh, Aged About 40 Years, R/o Flat No. 204, Manshi Height, New Rajendra Nagar, Raipur, Chhattisgarh- 492001

---- Petitioner**Versus**

1. Reserve Bank Of India Through Its Regional Director, Satya Prem Vihar, Mahadev Ghat Road, Sunder Nagar, Raipur, 492013
2. Bandhan Bank Limited, Through Its Chairman, Head Office: Floors 12-14, Adventz Infinity@S, BN 5, Sector V, Salt Lake City, Kolkatta-700091, Branch Office: IInd Floor, Bhatia Complex, Above Union Bank, Pandri, Raipur, Chhattisgarh

---- Respondents

For Petitioner : Mr. Om Kukreja, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****23.07.2021**

1. The writ petition has been filed seeking for the following reliefs:
 - i) That this Hon'ble Court may kindly be pleased to direct the respondent no.2 to issue relieving letter to the petitioner within a period of thirty days.
 - ii) That this Hon'ble Court may in alternative kindly be pleased to direct the respondent no.2 to expedite the conduct of disciplinary enquiry, if any, preferably within a period of thirty days.
2. Perusal of the pleadings would show that the petitioner was an

employee under the respondent no.2. It is undisputed that the respondent no.2 is a private organization and private banking company. The issue therefore which arises before this Court is as to whether writ could be issued against the respondent no.2 bank i.e. a private body and whether the respondent no.2 can be brought within the ambit of Article 12.

3. Counsel for the petitioner refers to 2012 (12) SCC 331 (Ramesh Ahluwalia v. State of Punjab & Ors.) whereby against an educational institution the Hon'ble Supreme Court has held that since the schools & colleges discharge public duty, they can be brought within the ambit of Article 12 of the Constitution of India even if the educational institution is an unaided private educational institution.
4. However, Hon'ble Supreme Court in the case of Federal Bank Ltd. Vs. Sagar Thomas & others in Civil Appeal No. 106/2001 decided on 26.09.2003 has set aside the judgment passed by the Single Bench of the High Court wherein the High Court had held that since the bank was discharging public duty, writ could be issued in respect of a service dispute raised by an employee of the said private bank. The Hon'ble Supreme Court setting aside the judgment of the High Court has held that since it was a private bank and the nature of dispute was a service dispute between employer and employee, the writ petition should not have been entertained and allowing the Civil Appeal the Hon'ble Supreme Court held that the writ petition under Article 226 of the Constitution of India against a private bank is not maintainable.
5. In view of the fact that the Hon'ble Supreme Court in respect of a banking industry itself has in the past held that the writ petitions pertaining to service disputes of the employees of private banks would

not be maintainable, the present writ petition also therefore given the said legal position would not be maintainable and the same deserves to be and is accordingly rejected only on the ground of maintainability.

6. However, the petitioner would be permitted to avail other remedies available for ventilating his grievances before the appropriate forum in this regard.

**Sd/-
P. Sam Koshy
Judge**