

CWP-1725-2021

Date of decision : January 25, 2021

MINAKSHI MEHRA

.....Petitioner

Versus

INSTITUTE OF BANKING PERSONNEL SELECTION

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sandeep Lather, Advocate for the petitioner.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Petitioner seeks a direction qua respondent i.e. Institute of Banking Personnel Selection for quashing of result status dated 20.01.2021. Candidature of the petitioner has been cancelled. Petitioner alleges arbitrariness and violation of principle of natural justice. However, the Hon'ble Supreme Court in **Rajbir Surajbhan Singh versus Chairman, Institute of Banking Personnel Selection, Mumbai 2019 (14) SCC 189**, has held Institute of Banking Personnel Selection, i.e. present respondent is not amenable to writ jurisdiction under Article 226 of the Constitution of India. It is specifically observed that though the Governor of Reserve Bank of India and Chairman of certain Public Sector Banks alongwith Joint Secretary, Banking Division, Ministry of Finance are members of the governing body of the respondent – institute, the said institute has not been constituted under statute, does not receive any funds from the Government and is not even controlled by the Government. There is no deep or pervasive control of the Government over the respondent - authority. It is specifically observed by the Hon'ble Supreme Court as under:-

“ The Respondent-Institute has been set up for the purpose of conducting recruitment for appointment to various posts in Public

Sector Banks and other financial institutions. Applying the tests mentioned above, we are of the opinion that the High Court is right in holding that the Writ Petition is not maintainable against the Respondent. Conducting recruitment tests for appointment in banking and other financial institutions, is not a public duty. The Respondent is not a creature of a statute and there are no statutory duties or obligations imposed on the Respondent.

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.”

In this view of the matter, present writ petition is not maintainable and is, accordingly, dismissed. It is clarified that there is no expression of opinion on the merits of the matter.

January 25, 2021
Rts

(Lisa Gill)
Judge

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No