

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 6968 of 2022

Sampa Bhattacharjee
Vs.
The Bank of Baroda & Ors.

Mr. Sandip Ghosh
Mr. Partha Sarkar
... For the petitioner

Mr. P.K. Tiwari
Mr. Rajendra Tiwari
Mr. Hemant Tiwari
... For the respondents

The petitioner was engaged as an Individual Business Correspondent by the Branch Manager of Bank of Baroda, Paik Para Branch. As an Individual Business Correspondent, the petitioner was required to perform certain duties. The nature of engagement of the petitioner coupled with the duties entrusted on her and the remuneration payable, clearly demonstrates that she is not an employee of the Bank but has an agreement with the Bank for performing certain duties. The writ petition at the instance of the petitioner seeking the reliefs as claimed therein is not maintainable in view of the nature of the petitioner's engagement.

The relationship between the Individual Business Correspondent with the Bank fell for consideration before the Rajasthan High Court in a judgment and order dated 28th November, 2018 reported in 2018 SCC OnLine Raj

2141 (State Bank of India v. Ashish Kumar). In the said judgment of Ashish Kumar (supra), the Hon'ble Division Bench of the Rajasthan High Court has refused to entertain the writ petition at the instance of the Individual Business Correspondent. The Special Leave Petition filed against the judgment of Ashish Kumar (supra) has also been rejected.

In the aforesaid facts and circumstances, the writ petition is dismissed as not maintainable.

Dismissal of this writ petition will, however, not prevent the petitioner from availing any other remedy available to her in law for the selfsame cause of action.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)