

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

14.02.2022
Item No. 09
Crt.No.23
b.r.

WPA 21288 of 2021
Avijit Das
-vs-
The Reserve Bank of India & Ors.
(Via video conference)

Mr. Abhik Sarkar
..... for the petitioner.

Mr. Kaushik Chatterjee
Mr. Tirthankar Dey
..... for the Respondent.

The petitioner was offered an appointment by Bandhan Bank Limited, being the respondent no.2 as a Relationship Officer on 2nd July, 2020. The petitioner says that although he had contacted the concerned branch but he was not allowed to do any work.

On behalf of the respondent no.2, it is submitted that the petitioner never joined the services of the respondent no.2, admittedly a Banking Company. Respondents raise a point that no writ petition lies against the respondent No.2 in the facts of the case. So far as the maintainability of the writ petition against a Banking Company is concerned, had been considered by the Hon'ble Supreme Court, in the judgement reported in (2003) 10 SCC 733 (*Federal Bank Limited -vs- Sagar Thomas & Ors*). The petitioner's case squarely comes within the ratio laid down in the said judgement.

The petitioner is unable to demonstrate that the respondent no.2 has violated any statutory duty and the writ petition has been filed for enforcement of the same.

In that view of the matter, the writ petition is dismissed on the ground that an application under Article 226 of the Constitution of India does not lie in the facts and circumstances of the instant case.

The dismissal of the writ petition, however, will not prevent the petitioner from availing any other remedy that may be available to him under any other provision of law.

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

(Arindam Mukherjee, J.)