



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2022

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.17512 of 2014 and
M.P.No.1 of 2014

N.Satish

... Petitioner

Vs

The Member Secretary,
Institute of Banking Personnel Selection,
IBPS House,
90 Feet, D.P.Road,
Near Thakur Polytechnic,
Off-Western Express Highway,
P.B.No.8587,
Kandivali (E), Mumbai 400 101.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Declaration, declaring that the cut-off marks fixed by the respondent for the Backward Category in Tamil Nadu for Common Written Examination Posts in the "Clerical Cadre-II" published on 16th August, 2013 and 6th January, 2014 as illegal and unconstitutional and direct the respondent to appoint the petitioner in any clerical cadre II post in Tamil Nadu.

For Petitioner : Mr.Naveen Kumar Murthi

For Respondent : Ms.Swathika for
M/s.T.S.Gopalan & Co

ORDER

This writ petition has been filed to issue a writ of Declaration, declaring that the cut-off marks fixed by the respondent for the Backward Category in Tamil Nadu for Common Written Examination Posts in the Clerical Cadre-II published on 16th August, 2013 and 6th January, 2014 as illegal and unconstitutional and direct the respondent to appoint the petitioner in any clerical cadre II post in Tamil Nadu.

2. The case of the petitioner is that he is an M.B.A. graduate and participated in the common written examination conducted by the Institute of Banking Personnel Selection, held



in 2012 and he was also succeeded in the said examination. According to the petitioner, the cut-off mark for his category has not been fixed properly in the allotment process. Therefore, the petitioner is before this Court.

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3. On behalf of the respondent, counter affidavit has been filed. The learned counsel for the respondent reiterated the averments contained in the counter affidavit and submitted that the respondent is a Public Trust registered under the Bombay Trust Act, 1950 and also the Societies Registration Act, 1860. The respondent is not a statutory body established under any legislation and it is only an autonomous body. Therefore, it is not amenable to writ jurisdiction under Article 226 of the Constitution of India and it is not a "State" within the meaning of Article 12 of the Constitution of India.

4. In support of his contention, the learned counsel produced the decision of the Hon'ble Supreme Court of India in the case of Rajbir Surajbhan Singh Vs. Chairman, Institute of Banking Personnel Selection, Mumbai, in C.A.No.4455 of 2019 dated 29.04.2019, reported in (2019) 14 SCC 189 and submitted that the Hon'ble Supreme dealt with the similar issue and dismissed the Civil Appeal. Therefore, he requested this Court to dismiss this petition.

5. In view of the above submission of the learned counsel and also the decision of the Hon'ble Supreme Court of India as cited supra, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

gsk

To

The Member Secretary,
Institute of Banking Personnel Selection,
IBPS House,
90 Feet, D.P.Road,
Near Thakur Polytechnic,
Off-Western Express Highway,
P.B.No.8587, Kandivali (E), Mumbai 400 101.

W.P.No.17512 of 2014
M.P.No.1 of 2014

SRA (CO)
SB(21/02/2022)