

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5875 of 2018

Manoj Kumar Son of Nandlal Rai, Resident of Village-Bela Pachgachhiya,
P.S.-Yahiyapur, District-Muzaffarpur. Petitioner/s

Versus

1. The State Bank of India, through its Chairman
2. The Branch Manager, Patiyasi Branch of S.B.I., Post-Mirzapur, P.S.-
Yahiyapur, District-Muzaffarpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Adv.
For the Respondent/s : Mr. Kaushlendra Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 05-10-2023

Heard learned counsel for the petitioner and
learned counsel for the State.

2. The present writ application has been filed
seeking direction to the respondent to allow the petitioner to
work on the post upon which he was working earlier.

3. Learned counsel for the petitioner submits that
the petitioner had applied to the post as Business Correspondent
(individual) in the State Bank of Bikaner & Jaipur on
26.12.2014 and subsequently, started working for the Bank on
the basis of letter issued by the State Bank of Bikaner & Jaipur
dated 05.06.2015.

4. Learned counsel for the petitioner further
submits that the petitioner was working with due satisfaction of
the authorities of the State Bank of Bikaner & Jaipur and
received payment from the Bank till 31.10.2017 but thereafter,

he was not paid, then he sent legal notice but nothing happened. Thereafter, the petitioner has filed the writ petition with prayer that he may be permitted to continue to work on the post he was working earlier and alternatively to give weightage in present/ future vacancy of Class- IV post for service rendered by him.

5. Learned counsel for the Bank submits that the appointment letter of the petitioner is very categorical in which it has been clearly stated in clause- 5 that engagement of the petitioner with Bank is, as service provider only and it does not create any employers/ employees relationship. It has also been mentioned that the petitioner shall have no right to claim any employment whatsoever from the Bank.

6. Learned counsel for the Bank further submits that the petitioner was working as service provider and in lieu thereof, he was entitled for money which is commission based. Counsel further submits that the petitioner was engaged by the State Bank of Bikaner & Jaipur but subsequently, the merger of the State Bank of Bikaner & Jaipur took place with the State Bank of India *w.e.f.* 01.04.2017.

7. Learned counsel for the Bank further submits that in the light of the appointment letter, the engagement of the petitioner as Business Correspondent was only for one year and at no level, extension of such engagement has been made in his favour. According to the terms of contract, the engagement of

the petitioner was ended in June 2016 itself.

8. Learned counsel for the Bank further submits that from the entire pleadings of the writ petition, the petitioner has not produced any single cheat of paper by which it can be shown that his services has ever been extended beyond June 2016.

9. Learned counsel for the Bank further submits that since, no extension beyond June 2016 was made, therefore, any payment received by him against the alleged services rendered by him after June 2016, appears to be unauthorized.

10. Learned counsel for the Bank further submits that after merging of the State Bank of Bikaner & Jaipur with the State Bank of India, the State Bank of Bikaner & Jaipur, Kafan Choudhary Branch merged with Patiyasa Branch and the said Patiyasa Branch of the State Bank of India did not take any work from the petitioner. In this view of the matter, the petitioner has no case at all.

11. In the light of the submissions made by the parties and the documents on record, it transpires to this Court that the petitioner has been engaged by the State Bank of Bikaner & Jaipur for one year by the letter of appointment (Annexure- 5) dated 05.06.2015. The said engagement of the petitioner in the Branch was as service provider in lieu of providing commission work wise. But after merger of the State

Bank of Bikaner & Jaipur with the State Bank of India, the situation has completely changed. Even the existence of the said Branch of the State Bank of Bikaner & Jaipur has also not into existence.

12. In view of the Court that the appointment was only for one year and in the terms of appointment, there has already been mentioned that it does not create any employer/employees relationship and no right to claim any employment whatsoever from the Bank. The petitioner has no right to seek any relief(s). It is also clear to this Court that when the existence of the State Bank of Bikaner & Jaipur itself is not there, then the ultimate decision shall prevail only of the State Bank of India.

13. In this view of the matter, this Court must not create any liability on the State Bank of India and, therefore, found no merit in this case and accordingly, this writ petition is hereby dismissed.

(Dr. Anshuman, J.)

sadique/-

AFR/NAFR	NAFR
CAV DATE	NA
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