

06.10.2023
Item No.
M/L 253
Court No.550
Saswata

W.P.A. 4306 of 2014
Gole Nur Begum
-vs-
Bank of India & Ors.

Mr. Pratip Kumar Chatterjee

...For the petitioner

Mr. R.N.Majumder

Mr. S.M.Obaidullah

...For the Bank of India

1. The present writ application has been filed, inter, alia, praying for a direction upon the respondent/bank to absorb the petitioner in service for the post of business correspondent for Khargram Branch with a further direction to pay his salary which is due from October 2013. The petitioner submits that on 26th November 2009, the petitioner was appointed as business correspondent in the Khargram branch of Bank of India. Unfortunately, in the beginning of October 2013, the respondent no. 3 suddenly had asked the petitioner not to report for duty. According, to the petitioner no formal order of dismissal had also been issued. No reasons had been assigned for refusal of employment of the petitioner.
2. It is in the factual backdrop as aforesaid, the present writ application has been filed, inter alia, challenging the refusal of employment and for consequential relief.
3. Mr. Chatterjee, learned advocate appearing for the petitioner, by placing reliance on a representation/demand of justice dated 20th December

2013, however submits that the respondents may only be directed to consider such representation.

4. Mr. Majumder, learned advocate appearing for the respondent/bank submits that there is no employee-employer relationship at present with the petitioner and the bank. According to him, the petitioner was engaged as a business correspondent with the objective of ensuring enhanced financial inclusion and achieving greater outreach of the banking sector in accordance with the Reserve Bank of India and Government of India directives.
5. By relying on the affidavit-in-opposition filed in Court today, which is taken on record, Mr. Majumder submits that the petitioner was neither a regular nor a permanent employee of the bank. The petitioner was only a business correspondent and was never recruited in the bank through a selection process. By drawing the attention of this Court to a complaint dated 1st April 2013 lodged by the respondent no. 3 with the Superintendent of Police, Murshidabad, he submits that the petitioner and his family members are pressurizing the branch manager so as to permit the petitioner to continue with the job of the business correspondent. It is submitted that the petitioner has no legal right to continue as a business correspondent or to be absorbed in the bank.
6. It is still further submitted that the business correspondents are employed by reasons of exigencies of

- service and at this stage, there is no requirement for any business correspondent.
7. Having heard the learned advocates appearing for the respective parties and having considered the materials on record, I find that the petitioner was not appointed with the respondent no. 1 through any selection process. Admittedly, the petitioner was only discharging functions of business correspondent, for a particular period. The said job is also not perennial in nature. According to the respondents, the appointment was made with the objective of ensuring enhanced financial inclusion and achieving greater outreach of the banking sector in accordance with the Reserve Bank of India directives.
 8. Having regard to the same, I am of the view that the petitioner has no legal right to seek continuance with the job of the business correspondent or to seek for his absorption. Since, the petitioner has no legal right, in my view the direction upon the respondents to consider the petitioner's representation would not enure to the benefit to either of the parties.
 9. Accordingly, the writ petition being WPA 4306 of 2014 is dismissed without any order as to costs.
 10. Urgent photostat certified copy of this order, if applied for be given to the parties upon completion of requisite formalities.

(Raja Basu Chowdhury, J.)