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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-24799-2023

Date of Decision:03.11.2023

TAMANNA GARG

..... Petitioner

Versus

INSTITUTE OF BANKING PERSONNEL SELECTION

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Sunil Kumar Nehra, Advocate
for the petitioner.

Mr. Vikas Chatrath, Advocate
for the respondent.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of communication (Annexure P-8), communication dated 27.09.2023 (Annexure P-10) and communication dated 05.10.2023 (Annexure P-11) whereby petitioner has been debarred for 1 year from appearing in exams to be conducted by the respondent.

2. Mr. Vikas Chatrath, Advocate who on advance notice is present in Court submits that in view of judgment of Hon'ble Supreme Court in '*Rajbir Surajbhan Singh Vs. Chairman, Institute of Banking Personnel Selection, Mumbai*' 2019 (5) JT 35 and Division Bench judgment of this Court in '*Institute of Banking Personnel Selection Vs. Lakhan Verma and others*' LPA No.1597 of 2019 decided on

11.11.2020, the writ petition is not maintainable.

3. Per contra, learned counsel for the petitioner relied upon judgment of Himachal Pradesh High Court in **‘Deepika Vaishnav Vs. Institute of Banking Personnel Selection & others’ 2017 (1) ILR (H.P.)73**. The Himachal Pradesh High Court has held that writ petition is maintainable against respondent because it is discharging public function.
4. In view of order dated 11.11.2020 passed by Division Bench of this Court which is based upon judgment of Hon’ble Supreme Court in **Rajbir Surajbhan Singh** (Supra), this Court is of the opinion that writ petition is not maintainable. Judgment of Division Bench of this Court is binding upon this Court whereas judgment of Himachal Pradesh High Court carries only persuasive value.
5. The petitioner is at liberty to avail remedies as permissible by law.

(JAGMOHAN BANSAL)
JUDGE

03.11.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>