

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19807 of 2015

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Jayant Jaiswal Son of Sri Ashok Kumar Jaiswal, resident of village- Mathura,
P.O.- Gokhula, P.S. Sikarpur, District- West Champaran Bihar

... .. Petitioner/s

Versus

1. Chairman and CEO Cum Managing Director, Central Bank Of India, Central Office, Mumbai.
2. Disciplinary Authority-cum-Assistant General Manager, Central Bank of India, Regional Office, 317, M.G. Road, Pune- 411001.
3. Appellate Authority-cum-Senior Regional Manager, Central Bank of India, Regional Office, 317 M.G. Road, Pune- 411001.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Sr. Advocate Mr. Bipin Kumar Singh, Advocate
For the Bank	:	Mr. Ajay Kumar Sinha, Sr. Advocate Ms. Minu Kumari Ms. Dilkash Khan, Advocates

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 09-02-2024

Heard learned counsel for the petitioner and Mr. Ajay Kumar Sinha, learned Senior counsel for the Bank.

2. Learned Senior counsel for the Bank has taken a preliminary objection about the maintainability of the present writ petition. Learned counsel for the Bank submits that the original order was passed in Pune and the same was served upon the petitioner at Pune and the appellate order was also passed in Pune which is not within the territory jurisdiction of the Hon'ble High Court and only the appellate order was communicated to the home address of the petitioner which falls within the State of Bihar.



3. Learned Senior counsel for the Bank relied upon a judgment in the case of **Krishna Prasad Singh Vs. The Union of India & Ors.** reported in **1999 (3) PLJR 391**, referring paragraph-5 of the said judgment which reads as follows:

“5. The only factual aspects in support of the petitioner’s contention for invoking the jurisdiction of this Court are (i) the petitioner’s residence which is within the territorial jurisdiction of this Court, (ii) service of revisional and appellate order within the territorial jurisdiction of this Court. But on those facts this Court cannot entertain this writ petition when the original order of dismissal which is the sole cause of action of the petitioner was passed outside the territorial jurisdiction of this Court and was served upon the petitioner also outside the territorial jurisdiction of this Court. Incidentally, it may be mentioned that the Hon’ble Supreme Court has strongly deprecated the practice of some High Courts which have allowed the litigants to invoke its jurisdiction regardless of cause of action merely on the ground of residence of the petitioner. The said opinion of the Hon’ble Supreme Court has been expressed very



*strongly in the three Judge Bench judgment of the Supreme Court in the case of **Oil and Natural Gas Commission vs. Utpal Kumar Basu and others** reported in (1994) 4 S.C.C. page 711. The said decision of the Supreme Court is binding on this Court under Article 141 of the Constitution of India and this Court is also in respectful agreement with the same.”*

4. In view of the aforesaid, learned counsel for the petitioner seeks permission to withdraw the writ petition with liberty to move before the appropriate forum in accordance with law.

5. Permission is accorded.

6. With the aforesaid liberty, the writ petition stands disposed of .

(Rajesh Kumar Verma, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	12.02.2024
Transmission Date	N.A.

