

DL-19

04.07.2024
Court No.26
[Bench ID-266231]
(AD)

MAT 743 of 2024
With
IA No.: CAN 1 of 2024
With
IA No.: CAN 2 of 2024

Gole Nur Begum
Vs.
Bank of India & Ors.

Mr. D.N. Roy
Mr. Lutful Hoque
Ms. Taharima Khatun
... .. For the Appellant

Mr. R.N. Mazumdar
Mr. S.M. Obaidullah
Ms. Ankita Dey
... .. For the respondents-bank

In Re.: **IA No.: CAN 1 of 2024**

1. IA No.: CAN 1 of 2024 is an application seeking condonation of delay of 163 days in making and filing the appeal.
2. Respondent-bank is represented.
3. For the ends of justice, the causes shown in the application are accepted as sufficient.
4. Delay of 163 days in making and filing the appeal is condoned.
5. **IA No.: CAN 1 of 2024** is allowed.

In Re.: **MAT 743 of 2024**
With
IA No.: CAN 2 of 2024

6. IA No.: CAN 2 of 2024 is an application seeking stay of the impugned order.

7. By consent of the parties, the appeal is taken up for final hearing.
8. Learned Advocate appearing for the appellant submits that, the appellant was engaged on temporary basis as business correspondent. His services were terminated by the bank. He submits that, although the appellant does not possess any statutory or legal right, appellant seeks to canvass the right under Article 21 of the Constitution of India. He submits that, in the event, the bank appoints a business correspondent subsequently which should be granted on terms.
9. As noted above, bank is represented.
10. By the impugned order, the learned Single Judge considered the contentions of the respective parties in detail and arrived at a finding that the appellant before us did not possess any legal right to canvass.
11. Appellant, as noted above, was engaged as a business correspondent. The appellant was not appointed through any selection process. Her services were not continued with. No legal right is established before us to be infringed. Therefore, the learned Single Judge was correct in holding that, no legal right of the appellant stood breached by the action of the bank.
12. So far as the request of the appellant as to

directing the bank to consider the appellant for reappointment is concerned, we are afraid, we are unable to do so. Firstly, we should not direct an employer to consider an employee in respect of a job which is yet to be advertised or decided by the employer to be granted. Secondly, as noted above, there is no legal right in favour of the appellant to seek such relief.

13. In such circumstances, **MAT 743 of 2024** along with **IA No.: CAN 2 of 2024** are disposed of without any order as to costs.

(Debangsu Basak, J.)

(Partha Sarathi Sen, J.)