

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1694 of 2026

Vikash Kumar Son of Deepak Kumar, C/o Ram Jivan Prasad, R/O Village-Ratanpura Baradari, Near Bhar ki Masjid, P.S.-Bhagwan Bazar, District-chhapra (Bihar) presently residing at C/O -Sachin Ghosh, Purani Thakurbari Road, Behind Mandal Kara Banka, P.S. and District -Banka (Bihar).

... .. Petitioner/s

Versus

1. Institute of Banking Personnel Selection Through its Director, IBPS House, 90 Feet Road, Thakur Complex, Kandivali (East), Mumbai-400101.
2. The Director, Institute of Banking Personnel Selection, IBPS House, 90 Feet Road, Thakur Complex, Kandivali (East), Mumbai-400101.
3. The Division Head (Administration), Institute of Banking Personnel Selection, IBPS House, 90 Feet Road, Thakur Complex, Kandivali (East), Mumbai-400101.
4. UCO Bank through its Managing Director and Chief Executive officer, Head Office 10 BTM Sarani, Kolkata-700001.
5. The Managing Director and Chief Executive Officer, UCO Bank, Head Office 10 BTM Sarani, Kolkata- 700001.
6. The General Manager, HRM, PSD, OL and Training, UCO Bank, Head Office 10 BTM Sarani, Kolkata- 700001.
7. The Assistant General Manager and Zonal Head, Zonal Office, UCO Bank, SK Tarafdar Road, Adampur, Bhagalpur-812001.
8. The Manager, UCO Bank Subhanpur Branch (2477), P.S.-Amarpur, District-Banka (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Lalan Kumar, Advocate
For UCO Bank	:	Mr. Shivendra Kumar Roy, Advocate
For IBPS	:	Mr. Siddhartha Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 11-05-2026

Heard learned Counsel for petitioner, learned
Counsel for UCO Bank and learned Counsel for Institute of
Banking Personnel Selection are present.

2. The present I.A No. 1 of 2026 has been filed for



vacating the interim order dated 05.02.2026 passed in the present writ petition by which the suspension order dated 10.11.2025, which was triggered consequent to the inquiry made by respondent Institute of Banking Personnel Selection was stayed.

3. Upon the specific inquiries from the parties, it transpires to this Court that counter-affidavit has been filed by all concerned in the present writ petition. Therefore, this Court deems it appropriate not to pass any order on I.A. instead thereof, this Court prefers to pass order on merit itself due to the reason that the pleading has already been completed.

4. Learned Counsel for the petitioner submits that petitioner has appeared in the examination of the Probation Officer conducted by the Institute of Banking Personnel Selection (hereinafter referred to as the I.B.P.S.) and after his successful selection, he has joined U.C.O Bank. Counsel submits that once selection process has been completed and his name was recommended for selection then the I.B.P.S. becomes the *functus officio*. He submits that the said respondent has no right to scrutinize or review its own decision particularly when result was published and petitioner's joining has been accepted by the concerned Bank, who is contesting respondent in the



present writ petition. Learned Counsel further submits that since the action of I.B.P.S. is *functus officio*, then any action on the request of I.B.P.S. by the bank is also absolutely illegal and not be permissible in the eye of law and it is due to this reason the petitioner has challenged both the action of I.B.P.S. as well as the suspension order issued by respondent Bank. The Counsel for the Bank and I.B.P.S. submit that this Hon'ble Court vide order dated 05.02.2026 has granted interim protection staying the order of suspension of the petitioner.

5. Learned Counsel for the Bank, on the other hand, submits that petitioner is admittedly joined the service of the Bank and service rule of the Bank is applicable on him. He submits that Regulation 17 of the Bank talks about appeal. Under regulation, the order of suspension is an appealable order but the petitioner in spite of moving before the appellate forum has moved before this Hon'ble Court. Therefore, this writ petition is not maintainable.

6. Learned Counsel for I.B.P.S. submits that this Hon'ble Court as well as Hon'ble Supreme Court of India has categorically held in the various decisions including the decision of **Rajbir Surajbhan Singh Vs. The Chairman Institute of Banking Personnel Selection, Mumbai**, in Civil Appeal No.



4455/2019 (arising out of S.L.P © No. 18201/2015) decided by Hon'ble Supreme Court of India on 29th April, 2019 that the writ petition under Article 32 or 226 of the Constitution of India is not maintainable against the Institute of Banking Personnel and Selection. He submits that petitioner has challenged the correspondence made by the I.B.P.S. with the UCO Bank which may not be the subject to challenge in the writ petition.

7. This Court upon hearing the parties, finds that admittedly petitioner is the employee of Bank and under the service regulation, it is well within the employer to take action against the employee, but completely according to the service Rule. It is also admitted that both petitioner as well as the Bank are guided by the established service rule and Regulation 17 of the Uco Bank Officer Employees' (Discipline and Appeal) Regulations, 1976 states as follows:

“ **17. Appeals:** (Circular No.- CHO/POS/4/2005 dated : 25.01.2005)

(1) An officer employee may prefer an appeal to the Appellate Authority within forty five (45) days from the date of receipt of the order imposing upon him any of the penalties specified in regulation 4 or against the order of suspension referred to in regulation 12.

Provided that the Appellate



Authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

(2) An appeal shall be preferred to the Appellate Authority with a copy being forwarded by the appellant to the Authority which made the order appeal against. It shall contain all material statements and arguments on which the appellant relies but shall not contain any disrespectful or improper language, and shall be complete in itself.

(3) The authority which made the order appealed against shall, on receipt of a copy of the appeal from the Appellant, forward the same with its comments thereon together with the relevant records to the Appellate Authority within a period not exceeding forty five (45) days from the date of the receipt of the appeal.

(4) The Appellate Authority shall on receipt of the comments and records of the case from the authority whose order is appealed against, consider whether the order of suspension/findings are justified or whether the penalty excessive or inadequate and pass appropriate orders. The Appellate Authority may pass an order confirming, enhancing, reducing or setting aside the



penalty/suspension or remitting the case to the authority which imposed the penalty or to any other authority with such directions as it may deem fit the circumstances of the case:

Provided that-

(i) If the enhanced penalty which the Appellate Authority proposed to impose is a major penalty specified in clauses (f), (g), (h), (i) and (j) of regulation 4 and an inquiry as provided in regulation 6 has not already been held in the case, the Appellate Authority shall direct that such an enquiry be held in accordance with the provisions of regulation 6 and thereafter consider the record of the inquiry and pass such orders as it may deem proper;

(ii) If the Appellate Authority decides to enhance the punishment but an enquiry has already been held as provided in regulation 6, the Appellate Authority shall give a show cause notice to the officer employee as to why the enhanced penalty should not be imposed upon him and shall pass final order after taking into account the representation, if any, submitted by the officer employee.

(5) The Appellate Authority shall dispose of the appeal within a period of ninety (90) days from the date of its receipt



from the Appellant:

Provided that the time limit specified in this regulation shall not apply to case having a vigilance angle and where major/minor penalty proceedings against the officer employee have commenced on recommendations of the Police or Central Bureau of Investigations or Central Vigilance Commission, as the case may be, investigating the matter.

(6) The cases lying pending over ninety (90) days shall be reviewed periodically by the Appellate Authority and reasons for non-disposal of the cases shall be recorded in writing.

8. It transpires to this Court that under Regulation 17 the order of suspension is an appealable order, therefore, this Court hereby directs the petitioner to avail the remedy of appeal and the writ petition is not maintainable against the Bank at this juncture.

9. So far as the challenge of the petitioner against the I.B.P.S. is concerned, this Court still keep open this question for the petitioner to challenge at the relevant time before the relevant authority, but the judgment passed by the Hon'ble Supreme Court, mentioned above, shall be the guideline for the purpose of deciding the factor before any other authority/forum.



10. Accordingly, this writ petition is disposed off with liberty granted to the petitioner that he may challenge the order of suspension before the appellate authority within 45 days from today.

11. Further liberty is hereby granted that the petitioner shall also move before the said appellate authority for stay of his suspension and the protection granted to the petitioner by this Hon’ble Court vide order dated 05.02.2026 shall continue only and only the day on which the appellate authority shall take decision on his stay.

12. It is made clear that this protection shall not be any barrier in passing order for the appellate authority to take decision on the stay for which this Court has directed him to pass order. I.A, if any, shall stands disposed off.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.05.2026
Transmission Date	

