

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2981 of 2020

Rakesh Kumar Pandey Son of Sri Ramashankar Pandey Resident of Village and P.O.- Simri Bakulahan Patti, P.S.- Simri, District- Buxar 802135, presently residing at HO Ajit Kumar Srivastava, Rajenderpuri, Kalambagh Road, Muzaffarpur, Bihar 842001.

... .. Petitioner/s

Versus

1. The Union of India Through Department of Finance.
2. The Secretary Department of Financial Services, Ministry of Finance, Government of India, New Delhi.
3. The Secretary Human Resource Development Department, Government of India, New Delhi.
4. The Secretary Department of Financial Services, Ministry of Finance, Government of Bihar, Patna.
5. The General Manager NABARD, Plot C-24, G Block, Bandra Kurla Complex, BKG Road, Bandra East, Mumbai, Maharashtra.
6. The MD and CEO Punjab National Bank, Plot No. 4, Sector-10, Dwarka, New Delhi 110075.
7. The Chairman Madhya Bihar Gramin Bank, Sh Vishnu Commercial Complex, New Bypass, Nh-30, Ashokchak, Patna 800016.
8. Institute of Banking Personnel Selection (IBPS) xxx

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pravin Kumar, Adv.
For the State	:	Mrs. Anuradha Singh, SC-21
For the NABARD	:	Mr. Siddhartha Prasad, Adv.
For the IBPS	:	Mr. Siddhartha Prasad, Adv.
		Mr. Sunit Kumar, Adv.
For the Bank	:	Mr. Praveen Prabhakar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 25-06-2026

This Court has heard Mr. Pravin Kumar, learned Advocate for the petitioner, Mr. Siddhartha Prasad, learned Advocate for the NABARD and IBPS as well as Mr. Praveen Prabhakar, learned Advocate for the Madhya Bihar Gramin



Bank.

2. The petitioner having requisite qualification applied for online examination for Common Recruitment Process for RRBs (CRP RRBs VII) for recruitment to the post of Group – A Officers (Scale – II) conducted by the Institute of Banking Personnel Selection as per the advertisement, in which apart from educational qualification of MBA in Marketing from a recognized University, an experience of one year in the relevant field was required for the post of Marketing Officer.

3. The petitioner successfully appeared in the online written examination and submitted all the necessary documents, including the experience certificate of one year and he was accordingly shortlisted for interview. However, when the petitioner approached before the authorities concerned, he was not allowed to appear and participate in the interview, on account of his certificate having not been reckoned by the concerned authorities.

4. Aggrieved, the petitioner filed representation before all the authorities concerned, but to no avail and finally preferred the present writ petition seeking a direction upon the respondents to allow/arrange for petitioner to appear in interview conducted for selection having the requisite work



experience, on the basis of which the petitioner was previously allowed by the respondent to appear in the interview, after clearing the IBPS Examination.

5. During the pendency of the writ petition, an interlocutory application bearing I.A. No. 01 of 2021 has been filed for impleading Institute of Banking Personnel Selection (IBPS) as party respondent. The interlocutory application was allowed vide order dated 17.03.2021 and the notices were duly accepted by Mr. Siddhartha Prasad, learned Advocate and subsequently, filed a counter affidavit.

6. A preliminary objection has been raised with regard to maintainability of the writ petition against the IBPS, who is said to be not falling within the definition of the State, as defined under Article 12 of the Constitution of India. It is submitted with all vehemence that answering respondent IBPS is a public trust registered under the Bombay Public Trust Act, 1950 and also the Societies Registration Act, 1860. It is not a statutory body established under a specific statute rather an autonomous body, which aids the participating regional rural banks and other organizations in conducting tests according to the mandate given by them.

7. To support the aforesaid contention, heavy reliance



has been placed on a decision rendered by the Hon'ble Supreme Court in the case of ***Rajbir Surajbhan Singh Vs. The Chairman, Institute of Banking Personnel Selection, Mumbai [SLP (C) No. 18201 of 2015]***, the copy of which has already been brought on record by way of Annexure-A to the counter affidavit. Various other decisions of different High Courts as well as of this High Court have been placed on record that the IBPS is not a State and, as such, amenable to writ jurisdiction under Article 226 of the Constitution of India.

8. Besides the preliminary objection, an averment has also been made that the entire provisional allotment process under CRP RRBs VII has already been completed on 31.12.2019, in accordance with the terms and conditions of the said advertisement and it is further stated that the record of interview was instantly sent to IBPS soon after the completion of respective activity. Further, as per IBPS Policy for Retention and Destruction of Examination material, all the documents related to CRP RRBs VII project have been destroyed, hence the respondent IBPS shown his inability to comment on the contention raised by the petitioner.

9. On the other hand, learned Advocate for the Bank also submitted that during the pendency of the writ petition, all



the process of selection and consequently appointment/promotion have been completed and the new incumbents have already joined on their respective post.

10. After careful consideration of the materials on record and the submissions aforementioned, as also on being found that no writ petition could be maintained against IBPS as it does not fall within definition of State under Article 12 of the Constitution of India, which is a necessary party, no proper adjudication is possible. Besides during the interregnum period, more than six years have gone over, and the records have also been destroyed and, as such, this Court deems it fit and proper to close this litigation with a liberty to the petitioner to approach before the competent authority/Court for proper compensation or any other reliefs for the alleged negligence or wrongful act of the authorities concerned.

11. Accordingly, the present writ petition stands closed with the liberty aforesaid.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.06.2026
Transmission Date	NA

