IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.693 of 2025

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Deepak Kumar S/o Shiv Kumar Sah, R/o- Vill and P.O. - Line Bazar, P.S. K.Hat, Distt. - Purnia- 854301, presently posted as Assistant Manager, IDBI Bank, Regional Processing Unit (R.P.U.), 8th Floor, Gift One Building, Block - 56, Road 5C, Zone- 5, GIFT City, Gandhi Nagar, (Gujarat) - 382355.

... ... Petitioner/s

Versus

1. The IDBI Bank Ltd. Head Office, IDBI Tower, WTC Complex, Cuffe Parade, Mumbai (Maharashtra) - 400005.
2. The Chief General Manager and Zonal Head -cum-Appellate Authority, IDBI Bank Ltd., 3rd Floor, Sai Corporate Park, Rukanpura, Bailey Road, Patna.
3. The Zonal Manager, Patna Zone, IDBI Bank Ltd., 3rd Floor, Sai Corporate Park, Rukanpura, Bailey Road, Patna.
4. The GM-Deputy Zonal Head, Patna Zone and Disciplinary Authority, IDBI Bank Ltd., 3rd Floor, Sai Corporate Park, Rukanpura, Bailey Road, Patna.
5. The AGM-Zonal Co-ordination, Patna Zonal Office, IDBI Bank Ltd., 3rd Floor, Sai Corporate Park, Rukanpura, Bailey Road, Patna.
6. The AGM Asset, IDBI Bank Ltd., Regional Office, Bhagalpur.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Ranjan, Advocate
For the IDBI Bank	:	Mr. Dhananjay Kashyap, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 23-06-2026

Heard learned counsel for the petitioner and learned counsel for the Industrial Development Bank of India (I.D.B.I.).

2. The present writ petition has been filed for issuance of appropriate writ/writs, order/orders, direction/directions for the following relief/s:-

"I. For setting aside -

(a) the order contained in Letter bearing

Ref. No.: IDBI/ER/2024-25/12 dated 03.04.2024 passed by Respondent No. 4, The GM-Deputy Zonal Head, Patna Zone & Disciplinary Authority, imposing the major penalty, against the petitioner, of "Reduction to a lower grade i.e. from Manager (Grade "B") to Assistant Manager (Grade 'A') be and is hereby imposed on Shri Deepak Kumar (EIN: 102534, EC 601047). While Shri Deepak Kumar, is drawing a basic pay of Rs.78,230/- in his present designation (i.e. Manager) which is the Sixteenth (B16) stage of pay scale of Manager, he shall be placed at Twenty Sixth (A26) stage of pay scale of Assistant Manager (Grade 'A') Le at the basic pay of Rs. 76,010/-".

(b) Letter bearing Ref. No. IDBI/ER/2022-23/4760 dated 03.03.2023 whereby and whereunder the initiation of major penalty proceeding on account of irregularities in various loan accounts of Kishanganj Branch (Sol-1962) has been initiated.

II. To direct the respondents to restore the petitioner's post at Kishanganj Branch or nearby branch as Recovery Officer for NPA Accounts since his transfer to Regional Processing Unit (R.P.U.), GIFT City, Gandhi Nagar, (Gujarat) suffers from biases and thus, is mala-fide.

III. After setting aside the aforementioned impugned orders, the cost & consequential benefits also be awarded to the petitioner.

IV. Or/Alternatively, to direct the Respondent No. 2, The Chief General Manager-cum-Appellate Authority, IDBI Bank Ltd., Patna for the disposal of pending appeal dated 30.05.2024 against the aforesaid Impugned Orders, filed by the petitioner, within four (4) weeks.

V. For any other relief/s for which the petitioner be found entitled to in the eye of law."

3. Learned counsel appearing for the Industrial Development Bank of India (I.D.B.I.) raised preliminary objection and submits that the present writ petition has been filed against the I.D.B.I Bank and according to him, the I.D.B.I. Bank is not a State in the light of Article 12 of the Constitution of India. Therefore, this writ petition is not maintainable. In support of his argument, he has relied on a judgment rendered by the Bombay High Court in case of ***All India IDBI Officers Association Vs. Union of India & Ors., and IDBI Officers Organization & Ors. Vs. The IDBI Bank Ltd. & Ors., and A.V. Koparkar & Ors. Vs. The IDBI Bank Ltd. & Ors.,*** decided on ***20.09.2022*** in ***Writ Petition No. 2833 of 2012, Notice of Motion***

No. 99 of 2014, Writ Petition Nos. 214 of 2016 and 12607 of 2015, reported in ***MANU/MH/3277/2022,*** equivalent citation ***2023(1)BomCR644*** and submits that the IDBI Bank as decided is not a Public Sector Bank and is not a State within the meaning of Article 12 of the Constitution of India and it is due to this reason, the writ petition of the association was not maintainable. Counsel further relied on another judgment rendered by the Kerala High Court in case of ***Unimoni Financial Services Ltd. Vs. IDBI Bank Ltd. & Anr.,*** decided on ***16.12.2020*** in ***WP (C) No. 17635 of 2020 (D)*** and submits that the said writ petition was dismissed as not maintainable under Article 226 of the Constitution of India. Counsel further relied on another judgment rendered by the Jharkhand High Court in case of ***Anupama Jha Vs. Union of India & Ors. in W.P(S) No. 1243 of 2022*** decided on ***21.11.2022***.

4. In the light of the submissions made by the parties, this Court deems it necessary to quote the relevant para nos. 146 and 153 in the case of ***All India IDBI Officers Association (supra)*** which reads as under:-

> *"146. Interestingly, IDBI Ltd. was never categorized as a 'public sector bank' but as 'other public sector bank' and after 2018, it is categorized as a 'private*

sector bank'. We are left to wonder why appropriate averments were not made in the writ petitions. No decision of any Court was brought to our notice which had held, by the time the writ petitions were instituted, that IDBI Ltd. was a "State" within the meaning of Article 12. For lack of appropriate averments, the writ petitions are liable to fail but we have decided against resorting to short cuts.

153. For the reasons assigned by us to hold the writ petition of the Association to be not maintainable, we hold the writ petitions instituted by the Organization and the petitioning employees too as not maintainable. All the three writ petitions stand dismissed. No costs."

4.1. In the case of ***Unimoni Financial Services Ltd. (supra)***, the relevant para nos. 6 to 19 are quoted herein below:-

"6. I have considered the rival contentions. In paragraph 1 of the Writ Petition, the petitioner has claimed that the respondent Bank comes under the purview of State under Article 12 of the Constitution of India and is hence amenable to writ jurisdiction on the ground that 47.11% of shares are held by the President of India

and 51% of the shares are held by the Life Insurance Corporation of India and therefore that would indicate the deep and pervasive control of the Government over the affairs of the respondent. It is further stated that the activities of the respondent is of public importance. As against the said contention, the respondents have in the preliminary objection stated that consequent to the enactment of Industrial Development Bank (Transfer of Undertaking and Repeal) Act, 2003 the Bank is given sufficient autonomy. In para.7 of the objection the respondents have stated the following:

"7. Thus, the Central Government does not have deep or pervasive control over the functioning of the Respondent Bank. The policy decisions of functioning of Respondent Bank as well as its administrative decisions would all be done by the Board of Directors as is done in any other private sector company. These decisions are not required to be referred or approved or ratified by the Central Government. In the absence of any administrative or functional control by the Central Government, much less a control which is deep or pervasive in nature, ix the most pertinent indicator that Respondent

Bank is not a State or an instrumentality of the State and therefore not amenable to the writ jurisdiction of this Hon'ble Court".

The petitioner has not filed any reply to the said objection, though it was argued that the deep and pervasive control vests in Government.

7. It is not disputed that the Bank was originally established under "The Industrial Development Bank of India Act, 1964' or that the said Act is repealed by the Industrial Development Bank (Transfer of Undertaking and Repeal) Act, 2003. As per Section 3 of the 2003 Act, undertaking of the Development Bank got vested in the Company. Reserve Bank has issued a letter dated 14.03.2019 to the effect that the Bank is categorised as a Private Sector bank for regulatory purposes with effect from 21.01.2019.

8. Though Sri. Paulose argued that the respondent is a State under Article 12, relying on the judgment in ***RD Shetty's*** *case (supra). It is seen that there is nothing to show that there was/is deep and pervasive control of the Government over the respondent. I would examine the applicability of the judgments relied on by both sides.*

9. In the judgment in ***Sukhdev***

Singh v. Bhagatram Sardar Singh Raghuvanshi: *(1975) 1 SCC 421 relied on by Sri. Paulose, the Apex Court was considering the question of removal of employees in statutory Corporations, who are governed by the regulations framed under the respective Acts (ONGC Act/Industrial Finance Corporation Act/LIC Act) and whether those Statutory Corporations were authorities under Article 12 of the Constitution of India. But in that case the Apex Court found the pervasive control of the Central Government over all those Corporations. The petitioner cannot claim that there is deep and pervasive control over the respondent merely on the basis of those factual findings in respect of those Corporations.*

10. In ***Dwarkadas Marfatia and Sons'*** *case (supra)-the next judgment relied on by Sri. Paulose, the Apex Court was considering the scope of judicial review of the action of the Board of Trustees of the Port of Bombay, in evicting its tenant and inducting there another tenant. It was held therein that being a public body it must act in public interest even in respect of its dealing with its tenant and an infraction of that duty is amenable to examination either in civil suit or in writ jurisdiction. But no* *objection is seen to have raised in that case as to whether the Bombay Port Trust was an authority under the State.*

11. In ***Pradeep Kumar Biswas'*** *case (supra) the Apex Court after analysing a series of judgments and the tests to be employed, held that in order to arrive at a finding that a body is a State under Article 12, it should be financially, functionally and administratively dominated by or under the pervasive control of the Government. When the control is merely regulatory whether under statute or otherwise, it would not serve to make the body a State.*

12. In the judgment in ***Lonankutty Antony v. Joint Registrar of Co-operative Societies:*** *2016(2)KLT 281, relied on by Sri. Paulose, the question of maintainability is not seen raised. Moreover, it appears that the title deeds were retained with the permission of the Joint Registrar of Cooperative Societies. Therefore, no reliance can be placed on it.*

13. From the judgment of the Calcutta High Court in W.P(c).No.29749 of 2008, relied on by the learned Counsel for the petitioner, also it is seen that the respondent Bank did not even file a counter affidavit in that Writ Petition. Apparently the question of maintainability was not *raised. It is also seen that relief was sought against nationalised banks.*

14. At the same time, the judgments relied on by Sri. Deepu Thankan would support his arguments.

*15. In **Federal Bank v. Sagar Thomas:** (2003)10 SCC 733 the Apex Court held that the business of banking does not fall within the expression "public duty" and hence a Writ Petition would not lie under Article 226 of the Constitution of India.*

*16. In **K.K. Saksena v. International Commission on Irrigation & Drainage:** (2015) 4 SCC 670, the Apex Court found that in order to determine the maintainability of a Writ Petition under Article 226 of the Constitution of India the following questions are to be answered:*

(a) Whether a private body which is a non-governmental organisation partakes the nature of public duty or State action?

(b) Whether there is any public element in the discharge of its functions?

(c) Whether there is any positive obligation of a public nature in the discharge of its functions?

(d) Whether the activities undertaken by the body are voluntary, which many a non-governmental

organisation perform?

It was found that the respondent therein would not be amenable to writ jurisdiction under Article 226 of the Constitution of India, as there was no obligation for it to discharge activities which were statutory or of public character and that the activities were undertaken by it voluntarily. In ***Rajbir Surajbhan Singh v Institute of Banking Personnel Selection:*** *(2019) 14 SCC 189 it was held in para. 14 as follows:*

"14. The respondent-Institute has been set up for the purpose of conducting recruitment for appointment to various posts in Public Sector Banks and other financial institutions. Applying the tests mentioned above, we are of the opinion that the High Court is right in holding that the Writ Petition is not maintainable against the Respondent. Conducting recruitment tests for appointment in banking and other financial institutions, is not a public duty. The Respondent is not a creature of a statute and there are no statutory duties or obligations imposed on the Respondent.

15. It is true that the Governor of Reserve Bank of India and the Chairmen of certain public sector banks along with *the Joint Secretary, Banking Division, Ministry of Finance are members of the governing body of the respondent Institute. There is no dispute that the respondent is not constituted under a statute. It is also not disputed that the respondent does not receive any funds from the Government. The respondent is not controlled by the Government. The letter dated 20-9-2010 produced by the appellant along with the rejoinder-affidavit does not show deep and pervasive control by the Government of India. The question is whether the Council of Scientific and Industrial Research fell under "other authorities" within the meaning of Article 12 was referred to a seven-Julge Bench of this Court. (See Pradeep Kumar Biswas. Indian Institute of Chemical Biology)."*

It was held therein that the IBPS was not amenable to writ jurisdiction under Article 226 of the Constitution of India as it was not discharging any public function as its activity of conducting the selection process for appointment to Banks was purely voluntary and not out of any statutory obligation. After analysing the aforesaid judgments, I have in ***Girish G & another v. State of Kerala & others*** *[2020 KHC 289: ILR 2020 (2) Ker 6761, held that*

CIAL is not an authority under Article 12 of the Constitution of India and no writ will lie against it for enforcing personal contracts, while considering the validity of the orders terminating services of certain employees.

17. The Division Bench of this Court has after elaborate analysis of various judgments on the issue, in the judgment in ***Sleebachan v. State of Kerala:*** *2020 (4) KLT online 1024: 2020(5)KLT SN.11, held that Bank is not performing any public duty and hence a Writ Petition is not maintainable.*

18. In the present case, the petitioner is challenging the demand made by the respondents towards processing fee of an alleged credit facility and also relating to withholding of the title deeds of the properties which were mortgaged/given in security. Providing of credit facility or providing of loan on the strength of title deeds given in security cannot be said to be done in discharge of any public function, even in a case where it is made by a Public Sector undertaking/Bank and especially when it arises out of contractual transactions entered into between the parties and the bank.

19. I am of the view that even if the Bank is a public sector bank, demand *for processing fee or withholding of title deeds towards security cannot be said to be one involving any element of public duty. In the above circumstances, I am of the view that the Writ Petition is not maintainable under Article 226 of the Constitution of India.*

Writ Petition is accordingly dismissed."

4.2. In the case of ***Anupama Jha (supra)***, the relevant findings are quoted herein below:-

"Preliminary objection has been taken by Mr. P.A.S. Pati, counsel appearing on behalf of the respondent to the effect that IDBI Bank is not a State within the meaning of Article 12 of the Constitution of India.

*Similar issue fells for consideration before the Bombay High Court involving IDBI Bank. The Division Bench of Hon'ble High Court of Bombay in the case of **All India IDBI Officers Association Vrs. Union of India & Ors.** reported in **(2022) SCC Online Bom 2693** has held that IDBI is not a State within a meaning of Article 12 of the Constitution, thus the writ application does not lie.*

Considering the judgment

> *passed by the Hon'ble Bombay High Court which covers this case also, this writ application is dismissed as not maintainable.*
>
> *Liberty is granted to the petitioner to approach before the appropriate forum having jurisdiction."*

5. In the light of the discussions made and upon perusal of the aforesaid judgments, this Court is of the firm view that the present writ petition is not maintainable.

6. Accordingly, this writ petition stands dismissed. However, liberty is hereby granted to the petitioner to approach before the appropriate forum having jurisdiction for his grievances.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	30/06/2026
Transmission Date	NA