

(2026) 03 PAT CK 1101

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No.3316 Of 2026

Pooja Kumari

APPELLANT

Vs

State Bank of India

RESPONDENT

Date of Decision : 10-03-2026

Acts Referred:

Citation : (2026) 03 PAT CK 1101

Hon'ble Judges : Dr. Anshuman, J

Bench : Single Bench

Advocate : Bipin Krishna Singh, Kundan Kumar Sinha, Rakesh Kumar Singh

Final Decision : Dismissed

Judgement

Dr. Anshuman, J

1. Heard learned counsel for the petitioner and learned counsel for the Respondent-Bank.

Learned counsel for the petitioner submits that the present interlocutory application has been filed for adding the prayer in the main writ petition for quashing of the notice dated 05.02.2026 contained in Letter No. DGM(B&O)/HR/2004 (Annexure-P/15), issued under the signature of the Chief Manager (HR & Admin), State Bank of India, whereby the petitioner has been advised to report for duty within 30 days of the date of notice failing which she will be deemed to have voluntarily vacated her employment on the expiry of the notice. Counsel further submits that the said notice is the consequential effect of the decision which has been challenged in the present writ petition. Therefore, he submits that this interlocutory application be allowed and the prayer for quashing of the notice dated 05.02.2026 be added in the writ petition.

2. Learned counsel appearing for the Respondent-Bank, on the other hand, submits that by virtue of the present writ petition, the petitioner has challenged her transfer, whereas, by virtue of the I.A. No. 1 of 2026, the petitioner has

challenged the notice dated 05.02.2026 by which the petitioner has been advised to report for duty, otherwise, stern action shall be taken. Counsel submits that one is the notice which may resulted into departmental proceeding or termination, whereas, the writ petition is relating to transfer only. He submits that the subject matter of the writ petition and the interlocutory application are different. Therefore, the petitioner ought to have filed a separate writ petition and this interlocutory application be rejected. In addition to that, counsel appearing for the Respondent-Bank submits that this is the second writ petition for the same relief as, in the earlier writ petition i.e. C.W.J.C. No. 10090 of 2025 and in the M.J.C. No. 2825 of 2025, the transfer matter relating to the petitioner has already been tested by the Hon'ble Court in the writ as well as in the M.J.C petition.

3. After hearing the parties as well as upon perusal of the prayers of the writ petition and the interlocutory application, it transpires that the subject matter of the interlocutory application and the writ petition are different. The writ petition has been filed for challenging the transfer and interlocutory application has been filed for challenging the effect of the non-compliance of the order of transfer, even after test made by this Hon'ble Court in the writ and in the M.J.C.

4. This Court is of the firm view that as per the above mentioned facts and circumstances, the I.A. No. 1 of 2026 shall not be tested in the transfer matter, hence, this I.A. No. 1 of 2026 stands rejected. The present writ petition has been filed for issuance of appropriate writ(s), order(s) or direction(s) to the respondents for the following relief/s:-

"I. For quashing of the order dated 30.07.2025 contained in letter number HR/IR/998 signed by the Assistant General Manager (HR), State Bank of India, Local Head Office, West Gandhi Maidan, Patna-800001 whereby the petitioner has been directed to submit any three choices in the state of Jharkhand on transfer/for porting and failing to do so within seven days report at Administrative Office, Ranchi.

II. For quashing of the order dated 04.04.2025 contained in letter number LCPC/AGM/2025-26/ issued under the signature of the Assistant General Manager (HR), State Bank of India, Local Head Office, West Gandhi Maidan, Patna-800001 whereby the petitioner was advised about her transfer/posting to Ranchi Zone and was relieved from LCPC, Patna on 04.04.2025.

III. For quashing the notice of unauthorized absence as contained in letter number DGM (B&O)/HR/1839 dated 02.01.2026 signed by the Chief Manager (HR & Admin), Administrative Office, Ranchi.

IV. For a direction to the respondents to not treat the period after 04.04.2025 as unauthorized absence, particularly as the absence has been caused because of illegal act of the respondents.

V. For a direction to the respondents to desist from taking any coercive action

during the pendency of this case.

VI. For any other relief or reliefs to which the petitioner may be found entitled to in the facts and circumstances of this case.”

2. Learned counsel for the petitioner fairly submits that the petitioner had earlier moved before this Hon’ble Court in C.W.J.C. No. 10090 of 2025 which was allowed in favour of the petitioner vide order dated 07.07.2025, in which, the writ petition was disposed of directing the Respondent-Bank to reconsider the claim of the petitioner and pass a reasoned order as early as possible within 30 days from the date of order. Counsel submits that the order was passed within the stipulated period, but the spirit of the order passed in the earlier writ petition was not followed, therefore, the petitioner filed M.J.C. No. 2825 of 2025 and vide order dated 06.02.2026, the contempt proceeding was dropped with liberty to the petitioner to assail the order passed by the Respondent-Bank. Counsel further submits that the entire merit of the case has been discussed in the earlier writ petition. But, even then, the spirit has not been followed and the present writ petition has been filed only after observation made by this Hon’ble Court vide order dated 06.02.2026 passed in M.J.C. No. 2825 of 2025.

3. Learned counsel appearing for the Respondent-Bank, on the other hand, submits that the order under challenge is Annexure-P/1. In the said order, specific decision has been taken by the Bank Authorities granting option to the petitioner and her husband to provide choice of their posting at three places. But, the petitioner who has not challenged the said order of the writ petition before the Hon’ble L.P.A. Bench has again moved before this Hon’ble Court with the same relief.

4. After hearing the parties and particularly upon perusal of the order passed by this Hon’ble Court in the earlier writ i.e. C.W.J.C. No. 10090 of 2025, its para 10 & 11 are very much relevant which reads as under:-

“10. Taking into consideration the fact that the respondent-Bank itself wrongly transferred the petitioner way back in the year 2021 and the said wrong done by the Bank has been rectified by them after about three and half years of her transfer. Further taking into consideration the fact that in between the petitioner, being a lady, got her marriage with one employee of the bank itself, who is posted at Patna, the guidelines as mentioned hereinabove permit the spouse to be posted at the place of posting of her spouse or nearby place. Thus, on these grounds, I am of the view that this petition can be disposed of directing the respondent-Bank to reconsider the claim of the petitioner afresh and pass a reasoned order.

11. Accordingly, the petition is disposed of. The respondent-Bank is directed to reconsider the claim of the petitioner and pass a reasoned order as early as possible within 30 days from today.”

4.1. It is also relevant to quote the para 5 & 7 of the order passed in the M.J.C.

No. 2825 of 2025, which reads as under:-

"5. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the fact that on representation of the petitioner, a final order has been passed by the Assistant General Manager of the State Bank of India. This Court does not find any reason or occasion to continue with the present contempt proceeding, accordingly the same stands closed.

7. However, the petitioner shall be at liberty to assail the afore-noted order by filing an appropriate application before the appropriate forum, if so advised".

4.2. This Court is also of the view to quote the relevant para nos. 7, 8 & 9 of the impugned order dated 30.07.2025 (Annexure-P/1), which reads as under:-

"7. Keeping in mind the above facts, in terms of Bank's policy, your request for retention at Patna Centre cannot be acceded to. However, in facts of your case, you are once again accorded a chance to submit any three choices of centres in state of Jharkhand, which the Bank will consider based on the availability of post and administrative exigencies. Moreover, your husband may also submit three choices of centres in Bihar, which is nearby from the place of your posting, and his request will be considered by Bank compassionately, subject to availability of post and administrative exigencies.

1. Further, we advise to submit your choices, which is convenient to both of you but within the respective states, within seven days of receipt of this letter. If you choose not to avail options and to reply to this letter within seven days, then you are advised to report to Administrative Office, Ranchi for your eventual posting.

2. This disposes of your representation dated 14.07.2025, received at Local Head Office, Patna Circle, Patna on 15.07.2025."

5. This Court is of the firm view that the Bank Authorities have rightly granted three choice of centres, both to the petitioner and her husband, so that their nearest posting may be made. It also transpires to this Court that there are many places within the territory of State of Bihar and Jharkhand which are completely adjacent and when the Bank has given a categorical option to the petitioner as well as to her husband of three choice of posting, then in such view of the matter, the petitioner should not be rigid in this view.

6. Therefore, this Court is not inclined to interfere in this matter. Hence, this writ petition stands dismissed with observation that the petitioner and her husband shall file their choice of posting in the State of Bihar & Jharkhand and the respondent authorities shall post them at the places which shall be nearest to each other.