
(2020) 02 PAT CK 0310

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 2077 Of 2020

Vikash Bhushan

APPELLANT

Vs

United Bank Of India And Ors

RESPONDENT

Date of Decision : 24-02-2020

Acts Referred:

Constitution Of India, 1950 — Article 226, 226(2)

Citation : (2020) 02 PAT CK 0310

Hon'ble Judges : Madhuresh Prasad, J

Bench : Single Bench

Advocate : Naresh Prasad, Archana Mishra, Pushpa Kumari, Dr Binod Bihari Sinha, Ajay Dutt Mishra, Amarjeet Choudhary

Final Decision : Disposed Of

Judgement

1. Heard learned counsel for the petitioner and the Respondents.

2 Learned counsel for the Respondent-United Bank of India (for brevity, the Bank) takes a preliminary objection regarding the writ petition not maintainable before this Court for want of territorial jurisdiction. Referring to the order of suspension dated 19.02.2018, it is submitted that the same was issued when the petitioner was functioning as an Officer in the Kandla Branch of the Bank at Gujarat. The appropriate remedy available to the petitioner, as per submission of the Respondent-Bank, is not within the territorial jurisdiction of this Court exercising jurisdiction under Article 226 of the Constitution of India.

3 Learned counsel for the petitioner submits that the petitioner is a resident of Patna and his first posting was also at Patna and, therefore, the writ petition at Patna is maintainable under Article of the Constitution of India. The issue of territorial jurisdiction has to be considered in light of the constitutional provisions contained in Article 226 (2) of the Constitution of India. This Court would consider it useful to reproduce the same:

226. Power of High Courts to issue certain writs.- (1)

(2) The power conferred by Clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the resident of such person is not within those territories."

4 The test of jurisdiction has to be applied in the background of the provisions contained in Article 226 (2) of the Constitution of India. The same specifically provides that cause of action, wholly or in part is to arise within the territorial jurisdiction of the High Court exercising jurisdiction under Article 226 of the Constitution of India. The fact that the petitioner is a permanent resident of Patna and that his first posting was at Patna is not relevant as the suspension was under order dated 19.02.2018 when the petitioner was an Officer in the Kandla Branch of the Bank at Gujarat. The same, therefore, does not constitute even a part of the cause of action when the petitioner was posted at Patna. The fact that he is a permanent resident of Patna is not one of the facts to be proved and does not constitute any part of the cause of action. The issue is only regarding suspension of the petitioner under order dated 19.02.2018, that also at the time when the petitioner was posted at Kandla Branch of the Bank beyond the territorial jurisdiction of this Court.

5 Objection of the learned counsel for the Bank, therefore, merits consideration.

6 The petitioner would be at liberty to avail remedy before the appropriate forum of competent territorial jurisdiction.

7 Writ petition stands disposed of with liberty, as aforesaid.