OFFICERS' CAUSE

AUGUST- 2026

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OFFICERS' CAUSE

UNION IS STRENGTH

AIBOC, AIBEA, NCBE, AIBOA, BEFI, INBOC and INBEF Jointly Issued

Press Release Denouncing the Police Action on Peaceful Protest of Students at Jantar Mantar and Demanding Govt. Intervention for Constructive Dialogue with The Protesting Students.

Text of AIBOC Circular No. 2026/42, dated 20.07.2026,
Text of Joint Press Release dated 20.07.2026 .

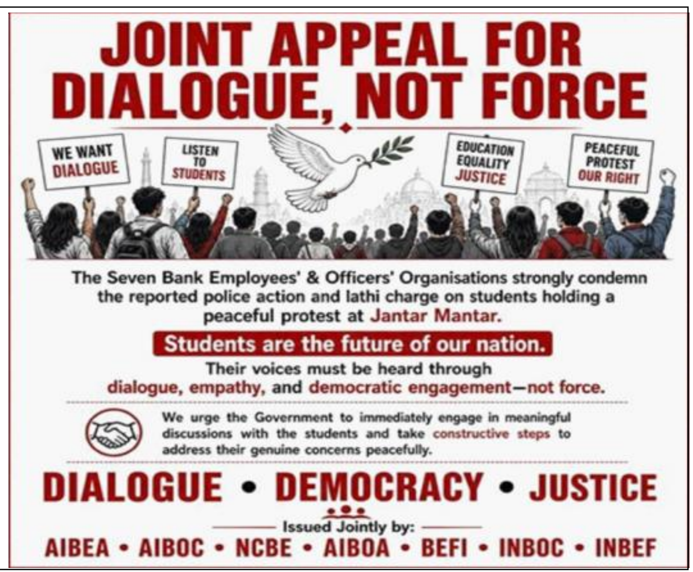
The seven bank employees' and officers' organisations viz. AIBEA, AIBOC, NCBE, AIBOA, BEFI, INBOC and INBEF express our deep concern over the reported police action and lathi charge on students holding a peaceful protest at Jantar Mantar today in support of their demands.

We believe the situation could have been handled with greater sensitivity and dialogue. Students are the future of our nation, and it is our collective responsibility to nurture an environment of trust, mutual respect, and democratic engagement.

At a time when the entire country is striving towards national progress and prosperity, the aspirations and concerns of our young generation deserve to be heard with empathy.

We, therefore, urge the Government and all concerned authorities to immediately engage in meaningful dialogue with the students and take constructive steps to amicable manner.

Sd/-	Sd/-	Sd/-	Sd/-
C.H.VENKATACHALAM	RUPAM ROY	L. CHANDRASEKHAR	SANJAY KHAN
AIBEA	AIBOC	NCBE	AIBOA
Sd/-	Sd/-	Sd/-	
DEBASISH BASU CHOUDHARY	PREM MAKKER	O.P. SHARMA	
BEFI	INBOC	INBEF	



Ref. No. AIBOC/2026/14 DATED 10.07.2026

To,
The Secretary,
Department of Financial Services, Ministry of Finance, Government of India,
Jeevan Deep Building, Parliament Street,
New Delhi – 110 001.

Respected Sir,

Sub: Career Progression Policy for Specialist Officers circulated vide DFS letter dated 17.03.2026 and IBA Circular No. HR & IR/PLI/ 2025-26/3095 dated 27.03.2026 - request for review, withdrawal/modification of restrictive provisions and consultative finalisation.

At the outset, we acknowledge the stated objectives of the policy, uniformity, transparency and enhanced career opportunities for Specialist Officers across Public Sector Banks. These are objectives the Confederation wholeheartedly shares. It is precisely because we share them that we consider it our duty to place before you, certain provisions which, in our considered assessment, may operate contrary to those very objectives, as well as our respectful concerns regarding the manner of the policy's finalisation.

Human resource matters, including promotion and career progression policies, have traditionally been formulated by the Boards of individual banks in consultation with the officers' organisations. This arrangement is consistent with the statutory scheme of the Banking Companies (Acquisition and Transfer of Undertakings) Acts, with the Government's own vision of "Minimum Government, Maximum Governance", with the assurance of non-interference recorded in the Department's Office Memorandum dated 13.01.2015 following the Hon'ble Prime Minister's interaction with the chiefs of Public Sector Banks, and with the recommendations of the P. J. Nayak Committee on Board empowerment, which the Indradhanush framework and the EASE agenda have sought to carry forward.

When a largely finalised policy framework is forwarded to the Boards for adoption, with substantive issues having been determined centrally and only procedural aspects left to the Boards' discretion, the effective role of the Boards under the statute, as well as under the Government's own reform vision may get somewhat constrained. We would, therefore, respectfully urge that the framework be treated as indicative in nature, leaving its substantive design to the respective Boards through the established bipartite machinery.

On the substance of the policy, we request a review of the following provisions:

Mandatory CAIIB for conversion (Cl. 3.4): Officers recruited for their domain expertise are required to qualify in an examination outside their discipline. The existing qualifications, coupled with the prescribed years of service and field experience, would adequately serve the purpose; JAIIB/ CAIIB may appropriately be incentivised rather than mandated.

Three-year standstill after conversion (Cl. 3.3 & 3.4): Rendering converted officers ineligible for further promotion for three years operates, in effect, as a fresh probation upon serving officers, disturbs their seniority vis-à-vis their batchmates, and discourages the very mobility the policy seeks to enable. Officers recruited under earlier norms also merit a protective (grandfathering) provision, as the policy presently applies retrospectively to them.

Conversion subject to absolute discretion (Cl. 3.4): Conversion is expressly stated not to be a right of the officer, the window opens only once in three years, and the selection criteria remain open-ended. We request annual windows, objective and published criteria, and due weightage for field experience already rendered. Implementing circulars issued at the bank level pursuant to the policy already illustrate the difficulty: residual clauses such as "any other criteria as decided by the Bank" leave otherwise eligible officers in a state of continuing uncertainty regarding their prospects.

Progression ceilings and vacancy-linked stagnation (Cl. 3.2): Several categories are capped at Scale V, and the residual "Others" category at Scale IV, while progression even within these ceilings is contingent upon vacancies identified administratively. Where vacancy identification is decentralised, a single administrative determination can foreclose the career path of an entire cadre in a region. Officers may instead be afforded the option either to continue in the specialist stream, with clearly defined roles at higher scales, or to convert, according to their choice.

Qualification weightages (Cl. 5.3): Early bank-level formulations confine additional marks to full-time courses, thereby disregarding distance and part-time qualifications acquired by serving officers, and assign only nominal marks to CA, CS, CFA, ICWA and Ph.D. A serving officer can seldom pursue full-time study; the framework may expressly recognise duly accredited part-time, distance and professional qualifications.

Eligibility and assessment norms (Cl. 4, 5.4, 5.6 & 7): The 75% APAR threshold, a single merit-only channel, the introduction of Group Discussion as an additional layer, and the residual service requirement, taken together, exclude a large number of competent officers from consideration. Field specialists attached to multiple branches further contend with appraisal systems that capture the performance of only one branch, understating their actual contribution. We request suitably calibrated thresholds and appraisal safeguards for field cadres.

Absence of provisions on recruitment: The policy provides for conversion out of the specialist cadre but contains no corresponding provision for recruitment into it. In several banks and cadres, there has been no specialist recruitment for years; each conversion and retirement will further deplete the cadre, increase the workload of the remaining officers and affect their work-life balance, at a juncture when supervisory expectations on risk management, information technology and compliance are steadily rising. A recruitment and succession plan may therefore accompany the policy.

We would further respectfully submit that wherever service conditions of officers are affected, a well-established structure of bilateral negotiation exists between the officers' trade unions and the Indian Banks' Association, a mechanism that has, for decades, delivered industry-level settlements and joint notes with mandates drawn from the Boards of member banks. Career progression, conversion and promotion norms squarely affect service conditions, and rightfully belong within that framework. The Confederation represents more than 3.25 lakh officers of the banking industry, among whom are tens of thousands of Specialist Officers who today find their legitimate career aspirations curtailed by the provisions indicated above, and who await a positive change in the policy and the removal of these retrograde clauses. We accordingly request the Department to keep the policy in abeyance for the present and refer the matter to the IBA for structured consultation with AIBOC and other officers' organizations, along with a clear specialist recruitment and succession plan. The Confederation assures of its fullest constructive cooperation in evolving a policy that genuinely advances the careers of Specialist Officers and thereby strengthens the Public Sector Banks.

With best regards,

Sd/-

Rupam Roy
General Secretary

AIBOC Writes to IBA Seeking Clarification on Fitment of Ex-CAPF Personnel in line with the Ex-Servicemen Re-employed in Banks.

Text of AIBOC Circular No. 2026/43, dated 21.07.2026. Text of Letter No. AIBOC/2026/15 dated 21.07.2026 Addressed toThe Chief Executive Officer, Indian Banks' Association, World Trade Centre Complex, Centre 1, 6th Floor, Cuffe Parade, Mumbai – 400 005.

Dear Sir,

Sub.: Extension of the benefits of pay fixation / pay protection available to Ex-Servicemen / Ex-ECOs / SSCOs re-employed in Public Sector Banks to ex-personnel of Central Armed Police Forces (CAPFs) such as CISF, BSF, CRPF, ITBP, SSB, Assam Rifles, etc. — Request for issuance of a uniform advisory to all Public Sector Banks including State Bank of India.

Ref.: (1) Government of India, Ministry of Finance, Department of Financial Services (Welfare) letter F.No.4/3/2012-Welfare dated 17.02.2014; (2) IBA letter No.HR&IR/KSC.GOVT/589/8785 dated 01.02.2014 and the Guidelines annexed thereto; (3) DoPT O.M.

No.3/19/2009-Estt.(Pay-II) dated 05.04.2010 read with clarification dated 08.11.2010.

We invite your kind attention to the communication of the Department of Financial Services (DFS), Ministry of Finance, cited at reference (1) above, whereby the comprehensive guidelines prepared and circulated by the Indian Banks' Association to the Chief Executives of all Public Sector Banks (PSBs) for uniform fixation of pay of Ex-Servicemen / Ex-ECOs / SSCOs re-employed in PSBs on or after 01.01.2006 were also made applicable to the Reserve Bank of India, Public Financial Institutions, Public Sector Insurance Companies, GIPSA, IRDA and PFRDA. The avowed object of the said DFS communication, as recorded therein, was to remove the disparity and lack of uniformity in the re-fixation / protection of pay of ex-servicemen on their re-employment across institutions.

The IBA guidelines annexed to the said communication, inter alia, provide for the following benefits to re-employed ex-servicemen:

(i) Protection of pay plus Dearness Allowance drawn at the time of release from the Armed Forces, in respect of ex-servicemen joining the workmen cadre, in terms of Ministry of Defence letter No.1/69/2008/D(Pay/Service) dated 24.07.2009 and DoPT O.M. No.3/19/2009-Estt.(Pay-II) dated 08.11.2010;

(ii) Ignoring of the entire pension, i.e., the pension drawn from the Government is not reduced from the pay so re-fixed;

(iii) Grant of increments equal to the completed years of service rendered in the Armed Forces to Ex-ECOs/SSCOs joining the officers' cadre (JMGS-I), subject to the ceiling of total emoluments (excluding HRA and CCA) last drawn;

(iv) Similar weightage of years of service for those appointed in the clerical cadre,with reference to the minimum of the clerical scale;

(v) Grant of two increments for graduation, subject to the conditions stipulated therein.

It is pertinent to point out that the foundational instructions on which the aforesaid IBA guidelines rest, namely DoPT O.M. No.3/19/2009-Estt.(Pay-II) dated 05.04.2010, are issued in amendment of the CCS (Fixation of Pay of Re-employed Pensioners) Orders, 1986, which govern the fixation of pay of all re-employed Central Government pensioners and are not confined to Defence Forces pensioners alone. Personnel of the Central Armed Police Forces (CAPFs) — the CISF, BSF, CRPF, ITBP, SSB and Assam Rifles — are Central Government pensioners squarely covered by the said Orders. They serve the nation in uniform, in disciplined-force conditions involving comparable hardship, hazard and sacrifice, and a large number of them retire or are released at a relatively young age, compelling them to seek a second career, including in the banking industry.

However, it has come to our notice that on their re-employment in Public Sector Banks, ex-personnel of the CAPFs are, in many banks, being denied the benefits of pay protection, ignoring of pension, weightage of past service and other benefits which are being extended to ex-servicemen of the Armed Forces under the IBA guidelines, merely on the technical ground that the term 'ex-servicemen' does not, by definition, cover CAPF personnel. This has resulted in an invidious and unintended discrimination between two classes of similarly placed re-employed Central Government pensioners serving side by side in the same banks, and has given rise to representations, grievances and avoidable litigation. We may add that the very rationale recorded in the DFS letter dated 17.02.2014 — that of ensuring uniformity and avoiding disparity in pay fixation across PSBs — applies with equal force to re-employed CAPF pensioners. Several judicial and administrative pronouncements have also recognised the entitlement of re-employed Central Government pensioners, including CAPF personnel, to fixation of pay in terms of the CCS (Fixation of Pay of Re-employed Pensioners) Orders, 1986, as amended.

In the circumstances, we request that the Indian Banks' Association may kindly examine the matter and issue a suitable advisory / communication to all Public Sector Banks, including the State Bank of India, clarifying that:

1. The benefits of pay fixation / pay protection enumerated in the IBA guidelines circulated vide letter No.HR&IR/KSC.GOVT/589/8785 dated 01.02.2014, read with DFS letter F.No.4/3/2012-Welfare dated 17.02.2014, shall apply, mutatis mutandis, to ex-personnel of the Central Armed Police Forces (CISF, BSF, CRPF, ITBP, SSB, Assam Rifles, etc.) re-employed in the banks on or after 01.01.2006;

2. Pay of such re-employed CAPF pensioners shall be protected with reference to pre-retirement pay plus Dearness Allowance last drawn, their pension shall be ignored and not reduced from the pay so fixed, and weightage of completed years of service shall be given in the manner provided in the said guidelines;

3. Cases of CAPF pensioners already re-employed in the banks on or after 01.01.2006 shall be reviewed and their pay re-fixed accordingly, with consequential benefits.

We shall be glad if the requested advisory be issued at an early date.

AIBEA, AIBOC and NCBE Write to DFS on Industrial Relations Meetings with Minority Unions

Text of AIBOC Circular No. 2026/45, dated 01.08.2026. AIBEA, AIBOC and NCBE have jointly addressed a communication to the Secretary, Department of Financial Services, Ministry of Finance, Government of India, regarding the instructions issued to Public Sector Banks for holding quarterly industrial relations meetings with recognised minority unions. The text of the joint letter is appended for the information of all affiliates and members.

Text of Joint Letter dated 01.08.2026

ALL INDIA BANK EMPLOYEES' ASSOCIATION
ALL INDIA BANK OFFICERS' CONFEDERATION
NATIONAL CONFEDERATION OF BANK EMPLOYEES

Dated: 01.08.2026

To
The Secretary,
Department of Financial Services, Ministry of Finance,
Government of India, New Delhi.

Dear Sir,

Reg: Industrial Relations meetings with the Minority Unions

This has reference to the communication No. eF.No.6/8/2014-IR dated 10th July, 2026 issued by your office to all the Public Sector Banks and our communication to your office dated 14th July, 2026. We have now come across the subsequent communication from your office dated 30th July, 2026 in this regard in which the Government has advised the Banks to hold IR meetings with all the Recognised Minority Unions on a quarterly basis. In this context, we would like to bring to your attention the following:

1. Under the Code of Discipline, under Industrial Disputes Act and Industrial Relations norms decided by the Boards of Banks, one Majority Union for the workmen employees and one majority union for the officers are recognised by all the individual Bank managements. Matter is now also governed by Sec. 14 of the Industrial Relations Code, 2020.

2. There is no provision to recognise any minority union and hence no minority union is a recognised union in any Bank at present.

3. The membership of some of the minority unions in the Banks are negligible but question is whether all these minority unions are also to be invited for the interaction meeting - viz. 380 out of 10,000, 90/127,000, 165/44,000, 90/26,000, 115/21,000, 300/50,000, 25/13,500, 7/8,000, 43/3,300, 83/22,000, 65/12,000, 50/3,300, 2/15,000, etc.

4. Some of the minority unions represent less than 1% of the staff in the Bank.

5. There is no definition from the Government as to which minority union is a recognised minority union and Government has not prescribed any provision/norms for the same.

6. In terms of Sec. 84 of the Industrial Relations Code, 2020 as approved by the Parliament, encouraging a minority union would amount to Unfair Labour Practice by the employer. Inviting all the unions even with negligible membership would amount to encouraging and boosting such Unions.

7. The IR Code also provides for recognizing the Negotiating Union with more than 50% membership and not less than 20% for inclusion in the Negotiating Council where no Union has 51% membership.

8. There is no provision in the IR Code for negotiations/consultations/discussions/ interaction with other Unions.

9. Whether Banks are exempted from the ambit of the Industrial Relations Code and whether Banks can violate the IR Code enacted by the Government.

10. According to Government guidelines, public sector banks are autonomous institutions and driven by the policies decided by the Boards of Directors within the applicable statutory framework. The present DFS instructions will run counter to the IR norms decided by the Boards in each Bank.

11. Importantly, at present all the trade unions, irrespective of membership size, are being invited by the Indian Banks' Association for negotiations. By the present instructions of the IBA to treat the minority unions separately and only for interaction would have implications at the IBA level negotiations and the minority unions may have to be kept out of the now prevailing negotiation process and entitled only for interaction with IBA.

In view of this, we request you to re-visit the instruction under reference and issue suitable revised instructions.

Thanking you,

Yours sincerely,

Sd/-	Sd/-	Sd/-
C.H. VENKATACHALAM	RUPAM ROY	L. CHANDRASEKHAR
GENERAL SECY	GENERAL SECY	GENERAL SECY
AIBEA	AIBOC	NCBE

HOLD DEMONSTRATIONS ON 12TH AUG. 2026
DEMAND IMPLEMENTATION OF COMMITMENT ON 5 DAYS BANKING

Text of AIBOC Circular No. 2026/46, dated 05.08.2026, reproduced the text of UFBU Circular dated 04.08.2026.

Our demand is known to all of our unions and members. After the successful strike on 27th January, 2026, we have been awaiting some positive response from the Government. Though IBA agreed in the MOU and also in the Settlement/ Joint Note and the matter has been recommended to the Government, the issue is being unduly delayed.

In the meantime, the Government has asked the Banks to commence the process for the next wage revision settlement due in November, 2027. But there is total silence on this important residual issue of introduction of 5 days banking.

Hence it has been felt necessary to take up this issue and highlight the same seeking expeditious decision by the Government.

To begin with, it has been decided to organise a joint demonstration in all State Capitals and other important towns and centres on the 12th August, 2026 after office hours.

We request all our Unions and members to observe the programme with full participation. We shall shortly meet and decide further course of action including strike action.

Yours Comradely,

Sd/-	Sd/-	Sd/-	Sd/-	Sd/-	S d/-	Sd/-
AIBEA	AIBOC	NCBE	AIBOA	BEFI	INBOC	INBEF

UFBU WRITES TO IBA
NOBO & NOBW ARE NO LONGER CONSTITUENTS OF UFBU

Text of AIBOC Circular No. 2026/47, dated 06.08.2026, reproduced the text of UFBU letter dated 06.08.2026, Addressed to Chairman, Indian Banks' Association, Mumbai.
Dear Sir,

You are aware that so far United Forum of Bank Unions, the common platform of trade unions of employees and officers in the Banking sector, was consisting of 9 unions, viz. AIBEA, AIBOC, NCBE, AIBOA, BEFI, INBEF, INBOC, NOBW and NOBO.

Due to organisational reasons, National Organisation of Bank Workers and National Organisation of Bank Officers are no longer the constituent units of United Forum of Bank Unions. Hence please be informed that with immediate effect, United Forum of Bank Unions will consist of the following 7 trade unions only.

1. All India Bank Employees Association
2. All India Bank Officers' Confederation
3. National Confederation of Bank Employees
4. All India Bank Officers Association
5. Bank Employees Federation of India
6. Indian National Bank Employees Federation
7. Indian National Bank Officers Congress

Yours sincerely,

Please take note and acknowledge receipt.

Sd/-	Sd/-	Sd/-	Sd/-	Sd/-	Sd/-	Sd/-
AIBEA	AIBOC	NCBE	AIBOA	BEFI	INBOC	INBEF

[2025 (186) FLR 251]
(DELHI HIGH COURT)
PRATEEK JALAN,J
W.P. (C) No. 1969 of 2005
March 26, 2025
Between
RAKESH KUMAR TOMAR
And
D.A.V. COLLEGE MANAGING COMMITTEE

Constitution of India, 1950-Article 226-Termination-Allegation of 'absence without leave"-Objection regarding maintainability of petition-Held, school managed by private management committee-The conditions of service were not governed by statutory framework-Affiliation of school to CBSE had no assistance to the petitioner-Petitioner to against his grievances before-appropriate-forum-Writ petition disposed of. [Paras 8 to 16]

The conditions of service of the original petitioner were, therefore, not governed by statutory framework, and St. Mry's clearly comes in the petitioner's way. The affiliation of the respondent School to the CBSE is also therefore of no assistance to the petitioner.

Employment of teachers can, if governed by statutory provisions, be considered integral to the discharge of public functions. In contrast, employment of non-teaching employees has expressly been construed not to be an inseparable part of the obligation to impart education. The present case concerns disciplinary proceedings against a non-teaching employee of a private unaided school, where removal is not regulated by statutory provisions.

Although this writ petition has been pending before this Court for a very long time, the question of maintainability has only recently been decided against the petitioners by the judgment in St. May's. In these circumstances, the petitioners will also be at liberty to raise this before the concerned forum, for exclusion of the period during which the preset writ petition was pending under Section 14 of the period during which the present writ petition was pending.

Counsel for the Petitioner: Anil Mital, Shaurya Mittal and Atul Chauhan.

Counsel for the Respondent: Anurag Lakhotia and Udit.

JUDGMENT

PRATEEK JALAN, J-The original petitioner, Rakesh Kumar Tomar (deceased), was employed as an Accounts Clerk in the respondent No. 2- D.A.V. Centenary Public School, Sector - 56, Noida, Uttar Pradesh ["the School"]. He had filed this writ petition, directed against orders dated 13.09.2004 and 15.12.2004. By the order dated 13.09.2004, his services were terminated by the School on the ground of "Absence without Leave"for a period of two years. By the communication dated 15.12.2004, his representation against the termination was also rejected.

2. Two preliminary objections have been taken by Mr. Anurag Lakhotia, learned counsel for the School. The first relates to the maintainability of the writ petition in respect of a service dispute against a private unaided school, and the second, to the territorial jurisdiction of this Court.

3. I have heard Mr. Anil Mittal, learned counsel for the petitioners (legal heirs of the original petitioner), and Mr. Anurag Lakhotia, learned counsel for the respondent, on the preliminary objections.

4. The first objection is based upon the judgment of the Supreme Court in ***St. Mary's Education Society v. Rajendra Prasad Bhargava,1*** which concerns the maintainability of writ petitions relating to service disputes, at the instance of employees of private educational institutions. The Court considered its earlier judgments on this question, and came to the conclusion that, even if imparting education is taken to be discharge of a public function, this would not attract the writ jurisdiction, for adjudication of individual grievances of employees, which are governed by contractual relationships.

5. The conclusions of the Court have been set out in paragraph 75 of ***the said judgment*** and read as follows:

"75. We may sum up our final conclusions as under:

75.1. An application under ***Article 226*** of the Constitution is maintainable against a person or a body discharging public duties or public functions. The public duty cast may be either statutory or otherwise and where it is otherwise, the body or the person must be shown to owe that duty or obligation to the public involving the public law element. Similarly, for ascertaining the discharge of public function, it must be established that the body or the person was seeking to achieve the same for the collective benefit of the public or a section of it and the authority to do so must be accepted by the public.

75.2. Even if it be assumed that an educational institution is imparting public duty, the act complained of must have a direct nexus with the discharge of public duty. It is indisputably a public law action which confers a right upon the aggrieved to invoke the extraordinary writ jurisdiction under ***Article 226*** for a prerogative writ. Individual wrongs or breach of mutual contracts without having any public element as its integral part cannot be rectified through a writ petition under ***Article 226.*** Wherever Courts have intervened in their exercise of jurisdiction under ***Article 226,*** either the service conditions were regulated by the statutory provisions or the employer had the status of "State" within the expansive definition under ***Article 12*** or it was found that the action complained of has public law element.

75.3. It must be consequently held that while a body may be discharging a public function or performing a public duty and thus its actions becoming amenable to judicial review by a constitutional court, its employees would not have the right to invoke the powers of the High Court conferred by ***Article 226*** in respect of matter relating to service where they are not governed or controlled by the statutory provisions. An educational institution may perform myriad functions touching various facets of public life and in the societal sphere. While such of those functions as would fall within the domain of a ***"public function" or***

"public duty" be undisputedly open to challenge and scrutiny under ***Article 226*** of the Constitution, the actions or decisions taken solely within the confines of an ordinary contract of service, having no statutory force or backing, cannot be recognised as being amenable to challenge under ***Article 226*** of the Constitution. In the absence of the service conditions being controlled or governed by statutory provisions, the matter would remain in the realm of an ordinary contract of service.

75.4. Even if it be perceived that imparting education by private unaided school is a public duty within the expanded expression of the term, an employee of a non-teaching staff engaged by the school for the purpose of its administration or internal management is only an agency created by it. It is immaterial whether "A" or "B" is employed by school to discharge that duty. In any case, the terms of employment of contract between a school and non-teaching staff cannot and should not be construed to be an inseparable part of the obligation to impart education. This is particularly in respect to the disciplinary proceedings that may be initiated against a particular employee. It is only where the removal of an employee of non-teaching staff is regulated by some statutory provisions, its violation by the employer in contravention of law may be interfered with by the Court. But such interference will be on the ground of breach of law and not on the basis of interference in discharge of public duty.

75.5. From the pleadings in the original writ petition, it is apparent that no element of any public law is agitated or otherwise made out. In other words, the action challenged has no public element and writ of mandamus cannot be issued as the action was essentially of a private character." [Emphasis supplied].

6. It is evident from the above, particularly paragraphs 75.2 and 75.3 of the judgment, that the only exception carved out by the Court is in cases where service conditions are regulated by statutory provisions or where the employer has the status of "State", within the expansive definition under ***Article 12*** of the Constitution. In other cases, the Court has held that an ordinary contract of service with no statutory force or backing, cannot form the basis of a petition under ***Article 226*** of the Constitution.

7. It may be noted that the Division Bench of this Court, in ***Bharat Mata Saraswati Bal Mandir Senior Secondary School v. Vinita Singh & Ors.3,*** distinguished the judgment in St. Mary's on the ground of applicability of ***Section 10*** of the Delhi School Education Acts and Rules, 1973. In the present case, the respondent - School is not located within the jurisdiction of the National Capital Territory of Delhi, and the said legal position, therefore, does not prevail.

8. Resultantly, Mr. Mittal does not urge any statutory terms and conditions, governing the original petitioner's service. He only submits that the respondent - School is affiliated to the Central Board of Secondary Education ["CBSE"] and is, therefore, governed by the Bye- laws and Rules and Regulations of CBSE. This aspect too, as pointed out by Mr. Lakhotia, has been adverted to in the judgment in St. Mary's:

"30. We may at the outset state that CBSE is only a society registered under the ***Societies Registration Act, 1860*** and the school affiliated to it is not a creature of the statute and hence not a statutory body. The distinction between a body created by the statute and a body governed in accordance with a statute has been explained by this Court in ***Executive Committee of Vaish Degree College v. Lakshmi Narain [Executive Committee of Vaish Degree College v. Lakshmi Narain,*** as follows : (SCC p. 65, para 10)

"10. ... It is, therefore, clear that there is a well-marked distinction between a body which is created by the statute and a body which after having come into existence is governed in accordance with the provisions of the statute. In other words, the position seems to be that the institution concerned must owe its very existence to a statute which would be the fountainhead of its powers. The question in such cases to be asked is, if there is no statute would the institution have any legal existence. If the answer is in the negative, then undoubtedly it is a statutory body, but if the institution has a separate existence of its own without any reference to the statute concerned but is merely governed by the statutory provisions it cannot be said to be a statutory body."

31. As stated above, the school is affiliated to CBSE for the sake of convenience, namely, for the purpose of recognition and syllabus or the courses of study and the provisions of the 2009 Act and the Rules framed thereunder.

32. The contention canvassed by Respondent 1 is that a writ petition is maintainable against the Committee of Management controlling the affairs of an institution (minority) run by it, if it violates any rules and Bye-laws ***laid down by*** CBSE. First, as discussed above, CBSE itself is not a statutory body nor the regulations framed by it have any statutory force. Secondly, the mere fact that the Board grants recognition to the institutions on certain terms and conditions itself does not confer any enforceable right on any person as against the Committee of Management.

XXXX XXXX XXXX

35. Thus, where a teacher or non-teaching staff challenges the action of Committee of Management that it has violated the terms of contract or the rules of the Affiliation Bye-laws, the appropriate remedy of such teacher or employee is to approach CBSE or to take such other legal remedy available under law. It is open to CBSE to take appropriate action against the Committee of Management of the institution for withdrawal of recognition in case it finds that the Committee of Management has not performed its duties in accordance with the Affiliation Bye-laws.

36. It needs no elaboration to state that a school affiliated to CBSE which is unaided is not a State within ***Article 12*** of the Constitution of India [see ***Satimbla Sharma v. St Paul's Senior Secondary School [Satimbla Sharma v. St Paul's*** Senior Secondary School, Nevertheless the school discharges a public duty of imparting education which is a fundamental right of the citizen [see ***K. Krishnamacharyulu v. Sri Venkateswara Hindu College of Engg. [K. Krishnamacharyulu*** v. Sri Venkateswara Hindu College of Engg., The school affiliated to CBSE is therefore an "authority" amenable to the jurisdiction under ***Article 226*** of the Constitution of India [see ***Binny Ltd. v. V. Sadasivan [Binny Ltd.*** v. V. Sadasivan, However, a judicial review of the action challenged by a party can be had by resort to the writ jurisdiction only if there is a public law element and not to enforce a contract of personal service. A contract of personal service includes all matters relating to the service of the employee — confirmation, suspension, transfer, termination, etc. [see ***Apollo Tyres Ltd. v. C.P. Sebastian [Apollo Tyres Ltd.*** v. C.P. Sebastian, [Emphasis supplied]

9. The conditions of service of the original petitioner were, therefore, not governed by statutory framework, and St. Mary's clearly comes in the petitioner's way. The affiliation of the respondent School to the CBSE is also therefore of no assistance to the petitioner.

10. There is a second impediment to entertaining the present writ petition, which arises out of paragraph 75.4 of the judgment in St. Mary's. It is apparent therefrom, that the Court has clearly distinguished the cases of teaching employees and non-teaching staff. The Court has held that employment of teachers can, if governed by statutory provisions, be considered integral to the discharge of public functions. In contrast, employment of non-teaching employees has expressly been construed not to be an inseparable part of the obligation to impart education. The present case concerns disciplinary proceedings against a non-teaching employee of a private unaided school, where removal is not regulated by statutory provisions. Such a case is directly and expressly covered by Emphasis supplied. paragraph 75.4 of St. Mary's, where the Court has held that a writ would not lie.

11. The judgment in St. Mary's has been followed in a subsequent judgment of the Supreme Court in ***Army Welfare Education Society New Delhi v. Sunil Kumar Sharma & Ors5.***

12. Mr. Mittal submits that the judgment in St. Mary's must be read in the light of earlier pronouncements of the Court, including Andi Mukta Sadguru Shree Muktajee Vandas Swami Suvarna Jayanti Mahotsav Samark Trust v. V.R. Rudani6, ***Ramesh Ahluwalia v. State of Punjab7,*** and ***Marwari Balika Vidyalaya v. Asha Srivastava8,*** in all of which writ proceedings against private educational institutions were held to be maintainable, including in service related disputes. He submits that Ramesh Ahluwalia was, in fact, a case of a non-teaching employee.

13. I am unable to accede to this submission of Mr. Mittal, in view of the fact that all these judgments have, in fact, been considered in St. Mary's and Army Welfare. The judgments in Ramesh Ahluwalia and Marwari Balika Vidyalaya, upon which the greatest reliance is placed by Mr. Mittal, are specifically referenced and discussed in paragraphs 58 to 63 of St. Mary's. When earlier judgments of the Supreme Court have been considered and explained in a later judgment, this Court cannot ignore the later judgment, on the argument that it is inconsistent with the view taken earlier. Reference may made to the following observations of the Supreme Court in ***Gregory Patrao and Others vs. Mangalore Refinery*** 2024 SCC OnLine SC 1683, (hereinafter, "Army Welfare"). and Petrochemicals Limited and Others".

> "16. This Court thereafter had considered the decisions in U.P. Awas Evam Vikas Parishad10 and Himalayan Tiles & Marble11 and has distinguished the same and has observed and held that the decisions in U.P. Awas Evam Vikas Parishad12 and Himalayan Tiles & Marble13 shall not be applicable with respect to the acquisition under the ***KIAD Act, 1966.*** Once, this Court in the subsequent decision in Peerappa Hanmantha Harijan14 dealt with and considered the earlier decisions in U.P. Awas Evam Vikas Parishad15 and Himalayan Tiles & Marble16 and distinguished the same and observed and held with respect to the acquisition under the ***KIAD Act, 1966*** that the allottee company can neither be said to be a "person interested" nor entitled for hearing before determination of compensation, the said ratio was binding upon the High Court. Thus, it was not open for the High Court to not follow the binding decision of this Court in Peerappa Hanmantha Harijan17 by observing that in the subsequent decision in Peerappa Hanmantha Harijan18 , the earlier decisions in U.P. Awas Evam Vikas Parishad19 and Himalayan Tiles & Marble20 have not been considered. The High Court has not noted that as such while deciding the case of Peerappa Hanmantha Harijan21 , this Court did consider the earlier decisions in U.P. Awas Evam Vikas Parishad22 and Himalayan Tiles & Marble23 and had clearly distinguished the same. Not following the binding precedents of this Court by the High Court is contrary to ***Article 141*** of the Constitution of India. Being a subsequent decision, in which the earlier decisions were considered and distinguished by this Court, the subsequent decision of this Court was binding upon the High Court and not the earlier decisions, which were distinguished by this Court."[Emphasis supplied].

14. The other preliminary objection raised by Mr. Lakhotia, was with regard to territorial jurisdiction. He also submits that the original petitioner was a workman-cadre employee, who ought to have invoked his remedies under the ***Industrial Disputes Act, 1947.*** As I have held that the first preliminary objection has to be upheld, I do not consider it necessary to enter into these submissions. All rights and contentions of the parties on these questions are left open.

15. The writ petition is disposed of, with liberty to the petitioners to agitate their grievances in appropriate proceedings in accordance with law.

16. Although this writ petition has been pending before this Court for a very long time, the question of maintainability has only recently been decided against the petitioners by the judgment in St. Mary's. In these circumstances, the petitioners will also be at liberty to raise this before the concerned forum, for exclusion of the period during which the present writ petition was pending, under ***Section 14*** of the Limitation Act, 1963, or principles analogous thereto.

Petition Disposed of.

DEARNESS ALLOWANCE – AUGUST 26 TO OCTOBER 26

The Index Numbers for the quarter ended upto June 2026 are as under:

DA Payable for the months - Aug 26 to Oct 26	
Index for Months:	**Index as per 2016 series**
Apr 26	149.90
May 26	150.80
June 26	151.90
Average	150.86
New DA Rate (over 123.03)	27.83%
DA Rate for Previous Quarter	25.70%
Increase	2.13%

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Members are requested to visit the website regularly to access the latest issues and other publications.

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We request all members to kindly take note of the above and extend their cooperation

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