



2026:AHC-LKO:10566-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL No. - 17 of 2026

Anushri Trivedi

.....Appellant(s)

Versus

U.O.I. Thru. The Prin.Secy. Ministry Of Finance, Deptt. Of
Financial Services, New Delhi And 4 Ors.

.....Respondent(s)

Counsel for Appellant(s)	: Praful Vashistha, Ankuri Trivedi
Counsel for Respondent(s)	: A.S.G.I., Krishna Lal Yadav, Yogesh Chandra Bhatt

Court No. - 1

HON'BLE RAJAN ROY, J.

HON'BLE ABDHESH KUMAR CHAUDHARY, J.

1. Heard Shri Sharad Pathak, learned Senior Advocate assisted by Shri Praful Vashistha, learned counsel for the appellants, Shri Krishna Lal Yadav, learned counsel representing the opposite party no.1- Union of India as well as Shri S.B. Pandey, learned Senior Advocate & D.S.G.I. assisted by Shri Yogesh Chandra Bhatt & Nitish Shukla, learned counsel appearing for respondent Nos.2 to 5 and perused the materials available on record.

2. This Special Appeal has been filed by the appellant under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952 challenging the Judgment and order dated 09.12.2025 passed by the learned Single Judge in Writ-A No. 12580 of 2025 (Anushri Trivedi vs. Union of India and others), as the petition of the appellant herein has been dismissed as not maintainable.

3. The facts of the case in brief are that the appellant herein is employed with the Industrial Development Bank of India on the post of Assistant Managar at Hardoi. Her husband is also in employment in Tata Consultancy Services Company as Engineer and is posted at Lucknow. The appellant herein was transferred from Hardoi to Aligarh. As it was a far of place, therefore, on her request she has been accommodated at Bahraich. The aforesaid transfer order from Hardoi to Bahraich was assailed by the appellant before the learned Single Judge, who has dismissed the petition as not being maintainable. In this process, he has relied upon a Division Bench Judgment rendered by the Bombay High Court in ***Writ Petition No.***

2833 of 2012 (All India IDBI Officers Association vs. Union of India and others), decided on 20.09.2022, wherein the petition was held to be non maintainable under Article 226 of the Constitution of India, as IDBI Ltd. was not State within the meaning of Article 12 of the Constitution of India and even otherwise it was not amenable to writ jurisdiction under Article 226 of the Constitution of India, especially as, it was not found to be discharging public functions.

4. The contention of the appellant's counsel is that the IDBI Ltd. in fact discharges public functions. However, we are not impressed by this argument for the reasons already given by the Division Bench of Bombay High Court referred herein-above and also for the reason that even assuming for a moment what is being stated by the counsel for the appellant is accepted on its face value, the fact of the matter is that the Bank has not been created by any statute nor it is a statutory body, rather it is a company incorporated in terms of the Companies Act. It is not even a Government company, besides this, even if all this is ignored, the fact of the matter that it is a case of transfer of an employee of IDBI Ltd. The transfer is not regulated by any statutory rule or provision nor has violation of any such statutory rule or provision been canvassed before the writ Court or before us.

5. As regards, the contention of the appellant's counsel is that Article 15(3) read with Article 21 of the Constitution of India comes to her rescue, we do not find it to be so. Article 15 of the Constitution of India applies only vis-a-vis 'State', which IDBI Ltd. is not.

6. As regards, Article 21 of the Constitution of India is concerned, this is not a case where the same can be applied. Transferring an employee as per the conditions of service which may have been determined by the IDBI Ltd. cannot be termed as violation of Article 21 of the Constitution of India.

7. As regards, reliance placed by learned appellant's counsel on the decision of Hon'ble Supreme Court in the case of **S.K. Nausad Rahaman and others vs. Union of India and others** reported in **(2022) 12 SCC 1**. In that case, the litigant was an employee of the Central Government and, therefore, the observations regarding spouse posting and Article 15(3) of the Constitution of India, which is not the case here.

8. For all these reasons, we do not find any error in the Judgment of the writ Court. Accordingly, the appeal is **dismissed**.

February 11, 2026
Praveen

(Abdhesh Kumar Chaudhary,J.) (Rajan Roy,J.)