

IN THE HIGH COURT OF KARNATAKA, BENGALURU

DATED THIS THE 7<sup>TH</sup> DAY OF DECEMBER, 2021

BEFORE

THE HON'BLE MR. JUSTICE KRISHNA S.DIXIT

**WRIT PETITION NO.22279 OF 2021(GM-RES)**

BETWEEN:

THIMMANNA,  
S/O LATE DASANABHOVI,  
AGED ABOUT 50 YEARS  
NO.87, ASHIRWAD: 3<sup>RD</sup> CROSS,  
KANAKA MARGA,  
ANNAPOORNESHWARI LAYOUT,  
ULLAL MAIN ROAD,  
JNANABHARATHI POST,  
BENGALURU - 560 056.

... PETITIONER

(BY SRI.MOHAMMED SHAMEER, ADVOCATE)

AND:

UNION BANK OF INDIA.,  
REPRESENTED BY ITS REGIONAL HEAD,  
REGIONAL OFFICE,  
BENGALURU (EAST),  
NO.487, 32 E CROSS,  
19<sup>TH</sup> MAIN, 4<sup>TH</sup> BLOCK,  
SANJAY GANDHI HOSPITAL ROAD,  
JAYANAGAR,  
BENGALURU - 560 041.

... RESPONDENT

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND  
227 OF THE CONSTITUTION OF INDIA, PRAYING TO SET ASIDE  
THE COMMUNICATION DATED 27.09.2021 VIDE ANNEX-B.

THIS PETITION COMING ON FOR PRELIMINARY HEARING  
THIS DAY, THE COURT MADE THE FOLLOWING:-

**ORDER**

The challenge in this writ petition is to the order of the respondent-bank whereby petitioner, a practicing lawyer has not been continued on its Panel of Advocates.

2. The vehement submission of the learned counsel for petitioner that the client could not have been abruptly discontinued on the Panel and without a prior notice, and therefore the impugned order is vulnerable for challenge, is bit difficult to countenance since empanelment is a matter of discretion of the bank concerned; the exercise of such discretion involves a host of factors including the fiduciary relationship of 'client & counsel'; in matters of this kind a Writ Court cannot ordinarily interfere & undertake a deeper examination.

3. The text of the impugned order cannot be construed as attaching stigma to the petitioner as a professional; the bank has exercised its prerogative in empaneling the lawyers of its choice and not empaneling the petitioner; such an exercise cannot be faulted, subject to all just exceptions into which argued case of the petitioner does not fit.

In the above circumstances, writ petition being devoid of merits is liable to be rejected in *limine* and accordingly it is.

Registry to send a copy of this judgment to the respondent-bank by Speed Post forthwith.

**Sd/-  
JUDGE**

Snb/