

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% Judgment delivered on: 21.01.2014

+ **W.P.(C) 409/2014 and CM No.805/2014**

KRISHAN KUMAR PETITIONER

VERSUS

CANARA BANK & ANR RESPONDENTS

ADVOCATES WHO APPEARED IN THIS CASE:

For the Petitioner: Mr. R.K. Saini, Advocate

For the Respondents:

CORAM :-

HON'BLE MR JUSTICE RAJIV SHAKDHER

RAJIV SHAKDHER, J

1. This is a petition filed seeking broadly the following directions :-

1.1. A writ of certiorari to quash the letter dated 30.07.2013, issued by respondent no.1/bank cancelling the candidature of the petitioner for the post of : "Agriculture Field Officer, Scale-I."

1.2. A writ of certiorari to quash respondent no.2's letter dated 05.09.2013, declining to re-allot the petitioner, to some other participating organization.

1.3. A writ of mandamus qua respondents to either issue an offer of appointment to the petitioner with respondent no.1 or else re-allot the petitioner, to some other participating organization.

1.4 There is a prayer made for costs as well.

2. Briefly, the writ petition has been filed in the background of the following relevant and broad facts :-

2.1. Respondent no.2 had issued an advertisement for offering opportunities to aspiring applicants to make a career in specialized fields like IT, Technical, Agriculture, Legal, Marketing, HR, Finance, Rajbhasha, etc. with public sector banks.

2.2 This advertisement was issued on 10.01.2013. The petitioner who claims to be an OBC, has apparently, acquired qualifications in Bachelor of Technology (Biotechnology), from Guru Govind Singh Indraprastha University.

2.3 It is in this background that the petitioner applied to respondent no.2 consequent thereto the petitioner took the written examination and participated in an interview held thereafter.

2.4 He was short-listed to register for order of preferences in participating organisations.

2.5 To be noted, the short-listing according to the petitioner, was carried out on 15.07.2013.

2.6 Pertinently, respondent no.1 was also one of the participating organisations, which comprises of public sector banks only.

2.7 The petitioner, apparently, submitted his willingness to be appointed in order of preference, vide communication dated 22.06.2013.

2.8 On completion of the aforesaid process on 09.07.2013, respondent no.2, informed the petitioner via E-mail that, he had been provisionally, allotted to respondent no.1.

2.9 Importantly, the said letter made the offer of provisional allotment on the following basis :-

“..offer of appointment including terms and conditions, formalities for verification, joint etc. will be issued from the above mentioned Participating Organisation in due course. You may approach them only after hearing from the said organisation.

Please note :

- (1). The provisional allotment is subject to your fulfilling the eligibility criteria for participating Organisations and identity verification to the satisfaction of Canara Bank. This does not constitute an offer of employment.
- (2). In case it is detected at any stage of the recruitment process that, you do not satisfy the eligibility criteria your candidature / chance in the process shall stand forfeited.
- (3). If you do not avail the offer / appointment from the Participating Organisation named above your candidature / chance in the process shall stand forfeited.
- (4). The decision of IBPS in allotment of Organisations shall be final and binding upon the selected candidates. However, IBPS serves the right to cancel, reallocate Organisation-wise allocation depending upon exigencies or otherwise. Offer of appointment is solely the decision of the Participating Organisations and shall be final and binding. IBPS has no role here...”

(emphasis is mine)

2.9 The petitioner, however, by the impugned letter dated 30.07.2013, was communicated by respondent no.1 that, he did not possess the requisite qualification and hence not being eligible for the post of Agriculture Field Officer Scale I, the provisional allotment made by respondent no.2 against the said post could not be offered to him.

3. Apparently, the petitioner made representation with respondent no.2 on 29.08.2013, followed by a representation dated 17.09.2013 to the Assistant General Manager and chairman-cum-Managing Director of respondent no.1.

3.1 By a communication dated 05.09.2013, respondent no.2 informed the petitioner that once a candidate was allotted, his candidature he could not be considered for re-allotment. This communication was apparently sent in response to the petitioner's assertion that if respondent no.1 did not consider the petitioner suitable, he should be offered an allotment with other participating organisations.

3.2 Apparently, the petitioner also made a representation to the Ministry of Finance and the Finance Minister, Govt. of India, vide communication dated 03.10.2013.

3.3 On 16.11.2013, the petitioner received a communication from respondent no.1, that his candidature for the said post could not be considered.

4. It is in this background that the petitioner has approached this court.

5. Having heard the learned counsel for the petitioner, in my view, no relief as prayed for by the petitioner can be granted. The reason for the same is as follows :-

5.1. A perusal of terms and conditions, on the basis of which allotment to respondent no.1 was made, would clearly show that the offer of allotment was "provisional" subject to the candidate, in this case the petitioner, fulfilling the eligibility criteria of participating organizations.

5.2. The said offer letter dated 09.07.2013 also clearly indicated “offer of appointment is *solely* the decision of the *participating organization* and *shall be final and binding. IBPS has no role here*”.

5.3. Furthermore, respondent no.1 in its letter dated 30.07.2013, clearly indicated that as per the notification issued by respondent no.2 for the prescribed post, that is, the post of Agriculture Field Officer Scale –I, the qualifications stipulated were as under :-

“...Degree in Agriculture or allied specialisation *such as* Horticulture / Animal Husbandry / Veterinary Science / Dairy Science / Agriculture Engineering / Fishery Science / Pisciculture / Agri Marketing & Cooperation / Forestry etc. from recognized university..”

(emphasis is mine)

5.4 Quite clearly the petitioner does not measure up to the qualifications set out above. The decision of respondent no.2 to offer provisional allotment, is clearly recommendatory having regard to the terms and conditions put in place in this behalf.

4.5 Mr. Saini, while conceding that the petitioner did not have the qualifications set out hereinabove stated, that he would come under the expression “such as”, which would include all related / allied fields, as well.

5. In my view, this submission has to be rejected at the very threshold as a bare reading of the qualifications delineated in the notification issued by respondent no.2 would show that they have adequately described as to what, those allied specializations are. Therefore, apart from a degree in agriculture, the other allied specializations which the prospective employer i.e., respondent no.1 were looking for were degrees in : Horticulture /

Animal Husbandry / Veterinary Science / Dairy Science / Agriculture Engineering / Fishery Science / Pisciculture / Agri Marketing & Cooperation / Forestry etc. from recognized university. Admittedly, the petitioner does not hold any of these qualifications. I must note here that a faint attempt was made by Mr. Saini to seek to enhance the field of allied specializations by stressing on the word etcetera. In my view the said word would take colour from what is indicated prior to the word etcetera.

6. The other argument of Mr. Saini that the petitioners should be re-allotted to another participating organization, cannot, also be entertained. Mr. Saini has not been able to demonstrate, and there is no articulation of this aspect in the writ petition, at least none was referred to, that, other public sector banks have, qualifications different than those quoted in the impugned letter of 30.07.2013 for the post of Agriculture Field Officer Scale-I.

6.1 Therefore, I find nothing wrong with the other impugned letter dated 05.09.2013, issued by respondent no.2.

7. Mr. Saini, at the fag end, says, that the letter of respondent no.2 does not state that the petitioner is ineligible.

7.1. In my view, this submission, in a sense, advances the very same argument which I have dealt with above. The offer of allotment made by respondent no.2, was provisional. It clearly indicated that the offer of appointment was solely dependent on the decision of the participating organizations, which would be final and binding. Therefore, once respondent no.1 has taken a decision that the candidate offered by respondent no.2 is not suitable that should put an end to the matter. Respondent no.2 in a sense is functioning as a placement agency.

Respondent no.2 has not been able to perhaps find a candidate for respondent no.1 which suits its requirements. In my opinion, no enforceable right has emerged in favour of the petitioner to institute the present proceedings.

8. With the aforesaid observations in place, the writ petition and the pending application are dismissed.

RAJIV SHAKDHER, J

JANUARY 21, 2014

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