

GAHC010048562022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1829/2022

ATUL BANSAL
S/O RAJESH BANSAL
R/O HOUSE NO. 236, PEGU HOUSE, MILIJULI PATH, Q- BYLANE, WEST
MILAN NAGAR,
DIBRUGARH, ASSAM, PIN-786003

VERSUS

STATE BANK OF INDIA AND 2 ORS
STATE BANK BHAVAN, 16TH FLOOR MADAM CAMA ROAD, MUMBAI-
400021.

2:LOCAL HEAD OFFICE (LEARNING AND DEVELOPMENT)

STATE BANK OF INDIA

GS ROAD
DISPUR
SARUMOTORIA
GUWAHATI
ASSAM-781005

3:BRANCH OFFICE

STATE BANK OF INDIA

DIBRUGARH UNIVERSITY BRANCH
DIBRUGARH
ASSAM
PIN-78600

Advocate for the Petitioner : MR. K N CHOUDHURY

Advocate for the Respondent : MR S S SHARMA

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

05/08/2023

Heard Mr. D. Deka, learned counsel appearing for the petitioner. Also heard Mr. H. Buragohain, learned counsel for the respondents.

2. This writ petition has been filed by the petitioner aggrieved by the fact that his results or marks obtained in the Certification Programme for Branch Manager (CPBM) examination which was conducted on 06.10.2021 was not taken into account for the purposes of giving in the benefit and count his services for the dual promotion. The petitioner is working as a *Junior Management Grade Scale-I* (JMGS-I) at the State Bank of India and he has posted at Dibrugarh. The petitioner joined his duties on 06.01.2021 as a Probationary Officer and was undergoing training as required under the policies of the Bank. In terms of the policies of the Bank the petitioner is required to complete all his training within a period of 21 months from the date of joining.

3. It is submitted by the learned counsel for the petitioner that candidates who score amongst the top 10% the contemporary batches of the trainees shall be given dual

promotion and confirmed directly in the *Middle Management Grade Scale-II (MMGS-II)*. According to the learned counsel for the petitioner that he underwent the training and presented himself for appearing in the Certification Programme for Branch Manager (CPBM) examination which was scheduled to be held on 17.09.2021. However, because of certain glitches at the time of examination, the said examination could not be conducted by the Bank authorities. Subsequently, the petitioner was informed that the next date fixed for the examination was 06.10.2021. The petitioner undertook the said examination and as per the results he scored 88 marks out of 100 marks. However, inspite of the petitioner completing the mandatory examination and scoring 88 marks out of 100 marks, the petitioner was not considered for the dual promotion. Being aggrieved he has approached this Court praying for appropriate direction or order.

4. Mr. H. Buragohain, learned counsel appearing for the State Bank of India submits that the counter affidavit has already been filed. He submits that in terms of the policies of the Bank the examination is to be completed within a period of 21 months from the date of training. As per the records of the Bank the cut-off date in respect of the petitioner expired on 05.10.2021. But he appeared in the examination on 06.10.2021. Therefore the Bank authority did not consider the petitioner eligible for the benefit of dual promotion as he had appeared in the examination after the cut-off date.

5. The learned counsels for the parties have been heard. Pleadings on record have also been carefully perused.

6. It is seen that the petitioner had indeed appeared for the Certification Programme for Branch Manager (CPBM) examination on 06.10.2021 and had scored 88 marks out of 100 marks. Such results are not disputed by the respondent Bank in their counter affidavit as it is admitted by the respondent Bank in their affidavit at paragraph 7. However the Bank refused to consider the case of the petitioner on the ground that his cut-off date expired on 05.10.2021 which is one day prior to the date of the examination held on 06.10.2021.

7. The respondent Bank also does not dispute the contention of the petitioner that on 17.09.2021 when the date was scheduled for the examination because of technical problems the examination could not be conducted by the Bank and therefore it was re-scheduled to 06.10.2021.

8. Upon due perusal of the pleadings on record, it is seen that the petitioner appeared for the Certification Programme for Branch Manager (CPBM) examination after the completion of the training programme and have scored 88 marks out of 100 marks. Such factual position is not disputed by the respondents. It is also not disputed that the examination which was earlier schedule to be held on 17.09.2021 could not be held because of technical reasons which were beyond

the control of the petitioner as well as the respondent Bank. The examination was rescheduled on 06.10.2021. The re-scheduled date for the examination was one day after the cut of date on which the period of 21 months expired, in so far as the petitioner is concerned.

9. Taking all the facts and circumstances into consideration, this Court is of the view that the prayer of the petitioner cannot be rejected taking a very Hyper Technical view of the matter. The petitioner having cleared the examination as per the norms and scoring 88 marks out of 100 marks, is required to be given his due benefit. The cut of date of 21 months expired on 05.10.2021, which is also beyond the control of the petitioner as well as that the Bank.

10. Pursuant to the earlier examination not being able to be held on 17.09.20221, it is the Bank had fixed a date on 06.10.2021and which was without the consent of the petitioner.

11. Under such circumstances, this Court is of the view that the respondent Bank ought to be directed to take into account the results of the petitioner in the Certification Programme for Branch Manager (CPBM) examination in which he had appeared and successfully cleared.

12. The benefits, if accrued under the Rules and Regulations of the Bank pursuant to the petitioner clearing the Certification Programme for Branch Manager (CPBM)

examination, should be conferred on the petitioner without any further delay.

13. This order has been passed keeping in view the peculiar circumstances which had presented itself before this Court. In terms of this above directions, the writ petition stands allowed and disposed of.

14. The Bank is directed to do the needful expeditiously within the outer limit of 45 (Forty Five Days) from the date of receipt of certified copy of this order.

15. Writ petition is accordingly stands disposed of in terms of the above.

JUDGE

Comparing Assistant