



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 40314 OF 2016 (S-DIS)

BETWEEN:

SAURABH RAJ
S/O ANIL KUMAR JHA
AGED ABOUT 29 YEARS,
R/AT FLAT NO.L 102,
CITILIGHTS RUSTIQUE,
ECC ROAD,WHITE FIELD,
BANGALORE-560 066

...PETITIONER

(BY SRI. RAVIKIRAN P., ADVOCATE)

AND:

THE GENERAL MANAGER
STATE BANK OF INDIA,NW-1,
65,ST.MARKS ROAD,
BENGALURU-560 001

...RESPONDENT

(BY SRI. T.P. MUTHANNA, ADVOCATE)

Digitally
signed by
SUNITHA K S
Location:
HIGH COURT
OF
KARNATAKA

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE TERMINATION LETTER VIDE ANNEX-P ISSUED BY THE RESPONDENT DTD.1.6.2016. GRANT AN INTERIM ORDER TO STAY THE EFFECT, IMPLEMENTATION AND OPERATION OF THE IMPUGNED ORDER OF TERMINATION DTD.1.6.2016 VIDE ANNEX-P.



THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI

ORAL ORDER

The petitioner has filed this writ petition seeking the following reliefs:

- a) *Quash the termination letter marked at Annexure-P issued by the respondent dated 01.06.2016 or*
- b) *Grant any other relief seems fit by this Hon'ble Court, in the interest of justice and equity.*

2. Brief facts leading rise to the filing of this writ petition are as follows:

The petitioner was appointed in the respondent-Bank on 09.12.2013 and his probation period was declared on 09.12.2016 and the results of first confirmation test was conducted on 05.07.2015. The Certificate Examination in Life Insurance or Certified Insurance Facilitator exam was conducted and the result of passing was declared on 18.07.2015. On 16.09.2015, the exam for certificate to act



as a specified person for the corporate agent was conducted and result of passing the same was declared. The second confirmation test was conducted on 23.04.2016. The result of second confirmation was declared on 20.05.2016. On 27.05.2016, the petitioner applied for the MFCDE exam and sent the details to the respondent. On 01.06.2016, the respondent has issued a termination letter to the petitioner, ignoring the facts and circumstances. The petitioner, aggrieved by the order of termination, filed this writ petition.

3. The respondent filed the statement of objections raising several grounds, and contended that the petitioner succeeded only in two of the qualifying examinations before announcement of re-test results and succeeded in the third qualifying examination after the results were announced on 20.05.2016. Thus, the petitioner acquired 6 grace marks by clearing two of such examinations and further, grace of 3 marks would have



enured to the benefit of the petitioner and he completed the third such examination before announcement of the result of the re-test/second test confirmation which was on 20.05.2016. The third item where the grace marks of three were to be available to the petitioner could not be available since he has failed in the second confirmation test and acquiring of the marks was subsequent to the announcement of the results. Moreover, these are examinations voluntarily taken by the bank employees as to improve their working skills and to stand a better chance in promotional processes of the bank. These are also online examinations conducted by the respective business subsidiaries of the respondent banks such as SBI Life, SBI General Insurance etc., in which the participation is open to the bank employees generally who pursue their career progression and who keenly indulge themselves in acquiring additional qualifications and knowledge. The petitioner is not entitled for additional three grace marks



as he has failed in the second test. Hence, he prays to dismiss the writ petition.

4. Heard the arguments of the learned counsel to the petitioner and also learned counsel for the respondent.

5. Learned counsel for the petitioner submits that the petitioner joined the service on 09.12.2013 and his probation period was declared on 09.12.2016 and he has cleared all the confirmatory tests on 20.05.2016. He submits that the petitioner has joined the service. He submits that the petitioner has produced the pass certificate in respect of certification in general Insurance, wherein the petitioner has produced the Written Test Marks marked as document No.8, which clearly discloses that the petitioner has scored 91.83 marks and further, the petitioner has produced the pass certificate and certification in General Insurance-English, wherein the petitioner is entitled for additional 3 grace marks as per document No.10. Further he submits that the petitioner



has produced the document No.11, wherein the certificate has been issued that the petitioner has successfully completed "NISM-Series-V-A", Mutual Fund Distributors Certification Examination. He submits that the petitioner is entitled for additional grace marks of three. Thus, by considering document Nos.8 to 11, the petitioner is entitled for additional grace marks of 9, wherein the respondent has awarded only 6 additional grace marks. If the 3 additional grace marks is included as per document No. 11, the petitioner is eligible for the post of promotion.

6. To buttress his arguments, he has placed reliance on the order passed by the Kerala High Court in the case of **THASMITHA.S VS. STATE BANK OF INDIA AND OTHERS** in **WP(C).No. 11802 OF 2016 DISPOSED OF ON 09.08.2016**. He submits that the said order was challenged by the State Bank of India in W.A.No.1676/2016 and the said writ appeal was dismissed vide order dated 25.08.2016. He submits that the issue involved in this case is squarely covered by the Kerala



High Court in the case of Thasmitha (Supra). Hence, on these grounds, he prays to allow the writ petition.

7. *Per contra* learned counsel for the respondents submits that the petitioner has failed in the second confirmatory test. Hence the results were not declared. After declaration of results, mark was awarded. Hence, the petitioner is not entitled for additional grace marks of 3.

8. Learned counsel for the respondent also placed reliance on Annexure-R3. He submits that the candidate who has failed in the retest held for the confirmation to JMGS-I, no further time shall be allowed/available to such candidate(s) for the purpose of acquiring of three qualifications (ACE/CIF/SP) for grace marks, after the declaration of the retest result. The respondent has rightly passed an order of termination. He also submits that order relied upon by the learned counsel is not applicable to the case on hand. Hence, on these grounds, he prays to dismiss the writ petition.



9. Perused the records and considered the submissions of the learned counsel for the parties.

10. It is an undisputed fact that the petitioner is qualified engineer, graduate, who had a prayer/prior professional experience in the reputed organization before joining the respondent back as a probationary officer (JMGS-1) on 09.12.2013. As per the terms of appointment order and the circular dated 09.06.2011, the confirmation of the petitioner was subject to:

- 1) Successful completion of probation,*
- 2) Satisfactory performance in confirmation test,*
and
- 3) Fulfillment of evaluation criteria prescribed by the Bank.*

11. The policy has specifically provided two attempts for confirmation:

- 1) First confirmation test will be conducted after 18 months of probation.*
- 2) Second confirmation test to be conducted within 6 months in case of failure in the first test.*

12. It is also provided that failure in the second confirmation test would entail termination of service. The



respondent has issued a circular dated 16.12.2014 granting weightage for additional professional qualifications like CIF (Certified Insurance Facilitator), SPCA (Specified Person for Corporate Agent), and MFDCE (Mutual Fund Distributors Certification Exam), wherein 3 grace marks were to be awarded for each qualification, subject to a maximum of 9 marks. The petitioner appeared in the first confirmation test conducted on 05.07.2015, but did not qualify. During the extended probation period, the petitioner successfully cleared CIF examination on 18.07.2015 and SPCA examination on 16.09.2015. The petitioner thereafter appeared in the second confirmation test conducted on 23.04.2016. As per the result declared on 20.05.2016, the petitioner secured 91.83 marks out of 200. The respondents have granted 6 grace marks for CIF and SPCA. But the respondent did not grant grace marks of 3 for MFDCE. The petitioner has cleared the Mutual Fund Distributors Certification Exam. The petitioner is entitled for additional 3 grace marks for the Mutual Fund



Distributors Certification Exam. The respondent has declined to grant additional 3 grace marks to the Mutual Fund Distributors Certification Exam. In order to avail the full benefit of the circular dated 16.12.2014, applied for the third qualification on 27.05.2016 and duly informed the respondent, which was within the extended probation period of 6 months and in continuation of his efforts to meet the confirmation criteria.

13. The petitioner successfully completed and passed the MFDCE examination and is entitled for additional 3 grace marks. The issue involved in this case is squarely covered by the order passed by the Kerala High Court in the case of **THASMITHA.S** (Supra) held at para Nos.5 and 6, reads thus:

"5. On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I am of the view that the challenge in the writ petition against Ext.P6 order of termination as also Ext.P10 clarification letter issued by the respondent bank, must necessarily succeed. It is not in dispute that the petitioner did not clear the confirmation test that was held during the period of initial probation of two years that expired on 15.9.2015. The respondent bank however, by Ext.P3 order dated 25.11.2015,



extended the period of probation of the petitioner by a further period of six months, which ended only by 16.3.2016. In the confirmation test that was held in January, 2016, during the extended period of probation, the petitioner obtained 99.17 marks out of 200, which is just short of the minimum requirement of 50% for a pass in the confirmation test. The petitioner however places reliance on the fact of acquiring the AMFI qualification with effect from 6.3.2016. It is her contention that, since this qualification, which would have conferred the benefit of three grace marks on her, was obtained during the extended period of probation, she was entitled to the benefit of clause (viii) of Ext.P2 Circular. The said contention of the petitioner did not find favour with the respondent bank, which, as already noticed, terminated the services of the petitioner by Ext.P6 order, dated 3.3.2016, and thereafter, clarified their stand through Ext.P10 communication dated 21.3.2016. The issue to be considered therefore is whether the petitioner would get the benefit of clause (viii) of Ext.P2 Circular, for the purposes of a declaration that she had passed the confirmation test that was held in January, 2016. The contention of the learned senior counsel for the respondent bank is essentially that the various clauses of Ext.P2 Circular, extracted above, would clearly indicate that the qualifications that conferred additional grace marks on candidates had to be acquired by the officer concerned before the completion of the probation period, and further, before completion of the two year period of probation. While clauses (v), (vi) and (vii) clearly indicate that the qualification in question has to be acquired within the normal period of two years of probation, clause (viii) is an exception to the above rule, and makes it clear that where a candidate acquires the qualification/s even after the two year period of probation is over, under normal circumstances, the marks will not be added to his/her scores. It is clarified however, that in respect of a candidate whose probation is extended



due to failure to secure 50% marks in the first confirmation test, the benefit of qualifications will be added to the next confirmation test scores. In my view, the tenor of clause (viii) of Ext.P2 circular is quite clear, in that, it operates as an exception to the general rule that a candidate seeking the benefit of grace marks, pursuant to the obtaining of certain qualifications, has to obtain the said qualifications within the normal period of two years probation. The exception however is limited only to two categories of candidates, namely, those whose probation is extended due to failure to secure 50% marks in the first confirmation test, and secondly, to those candidates whose probation is extended due to non-appearance in the scheduled confirmation test. In the case of the said candidates, the acquisition of the qualifications, even after the initial two years probation period is over, would enure to their advantage in conferring on them the benefit of grace marks that have to be added to the scores, in the confirmation test taken during the period of extended probation. The clear language in clause (viii) of Ext.P2 circular, cannot, in my opinion, admit of any other interpretation.

6. Given then that the petitioner was entitled for the benefit of three grace marks to be added to the scores in the confirmation test, the results of which were published on 1.3.2016, then it is apparent that the petitioner secured more than the required minimum 50% marks for a pass in the confirmation test. The qualification of the petitioner, though obtained on 6.3.2016, was before the expiry of the probation period, on 16.3.2016, and hence would enure to the petitioner's advantage while deciding the issue of whether or not she had passed the confirmation test within the extended period of probation. I also note from Ext.R1(A) Clarificatory Circular dated 9.6.2011, issued by the respondent bank that, the opportunity granted to candidates, who fail in the first confirmation test within the initial period of probation, to appear in a further



confirmation test during the extended period of probation, is subject to various restrictions including the restriction with regard to counting of the period of service during the extended probation period as eligible service for seniority/next promotion as also for the purposes of annual increments. There is no other restriction with regard to the benefits that would flow from the extended period of probation and hence, for this reason too, the petitioner cannot be denied the benefit of clause (viii) of Ext.P2 Circular.

Under the said circumstances, I am of the view that Ext.P6 order of termination of the services of the petitioner and Ext.P10 clarification issued by the respondent bank, with regard to the scope of Ext.P2 Circular, cannot be legally sustained. The writ petition is therefore allowed, by quashing Exts.P6 and P10, and declaring the petitioner as having passed the confirmation test that was held in January, 2016, for confirmation to the post of Junior Management Grade Scale-I Officer under the respondent bank. The petitioner shall be entitled to all consequential benefits that flow from the said declaration."

14. From the perusal of the order passed by the Kerala High Court, it has considered the issue in detail and held that Ex.P6 order of termination of the services of the petitioner therein and Ex.P10 clarification issued by the respondent-Bank with regard to the scope of Ex.P2 circular, cannot be legally sustained. The writ petition was allowed and the order of termination and circular are



quashed and declared that the petitioner as having passed the confirmation test that was held in January, 2016, for confirmation to the post of Junior Management Grade Scale-I Officer under the respondent-Bank. The State Bank of India, aggrieved by the order passed in the writ petition, preferred writ appeal in W.A.No.1676/2016. The said writ appeal came to be dismissed vide judgment dated 25.08.2016. The issue involved in the instant case is squarely covered by the order passed by the Kerala High Court in the case of **THASMITHA.S** (Supra). I concur with the findings recorded by the Kerala High Court. In view of the above discussion, the order of termination is bad in law and the same is liable to be set aside.

15. In view of the above discussion, I proceed to pass the following:

ORDER

- i. The writ petition is ***allowed.***



- ii. The order of termination letter vide Annexure-P is hereby quashed.
- iii. The respondent is directed to reinstate the petitioner with all consequential benefits within a period of one month from the date of receipt of copy of this order.
- iv. Pending applications, if any, stand disposed off accordingly.

Sd/-
(ASHOK S.KINAGI)
JUDGE

SSB