

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1283 of 2014

IN

Civil Writ Jurisdiction Case No. 138 of 2012

=====

Anil Kumar Gupta, S/o Shri Krishnandan Prasad, R/o Barh Bazar, Talimpur, Near Jagannathan High School, Barh, P.S. Barh, District Patna, Bihar - 803213, Present address C/o K.M. Agency, Beside Durga Mandir, Govind Mitra Road, P.S. Pirbahore, Patna – 800004. Appellant.

Versus

1. The Chairman-cum-Managing Director, the Allahabad Bank, Head Office-2, Netaji Shubash Road, Kolkata-700001.
2. The General Manager (HRD), Allahabad Bank, Head Office-2, Netaji Shubash Road, Kolkata-700001.
3. The Deputy General Manager-cum-Zonal Manager, Allahabad Bank, Bihar Zone, Budh Marg, Opposite Kotwali, P.S.-Patna-800001.

.... Respondents.

=====

Appearance :

For the Appellant : M/s Binod Kumar Labh, Shyama Kant Singh and Krishna Kumar Singh, Advocates.

For the Respondents : Mr. Ajay Kumar Sinha, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 03-11-2015

The present Intra-Court appeal has been preferred by the writ petitioner/appellant being aggrieved by the order dated 17.02.2014 passed in C.W.J.C. No.138 of 2012. We have heard

- 2 -

the parties and with their consent, this appeal is being heard for final disposal at this stage itself.

The Allahabad Bank, a Nationalized Bank, advertised for selection and appointment of Probationary Officers. The writ petitioner/appellant applied and was not selected because he did not secure the minimum qualifying marks in the interview. He thus filed the connected writ petition challenging the advertisement as issued and, in particular, Clause-6 thereof, which provided for the selection procedure. There was cut-off marks provided. It was his averment that the cut-off marks were decided to be provided after the selection process had started.

A counter affidavit was filed by the Allahabad Bank in the writ proceedings clearly bringing on record that in the advertisement itself Clause-6 (B) clearly provided for interview and stipulated that the candidates have to secure minimum passing marks in the interview. It was also brought on record that the minimum marks for interview had been provided in the Bank's recruitment policy relating to Probationary Officer, which clearly provided that interview will not have a weightage for more than 15% of the total marks and the qualifying marks for interview will be 40%.

In the specific case, this stipulation was there since





2007, whereas the advertisement was issued in the year 2011. It was also brought on record that in this specific case the qualifying marks for interview would be 18. In the counter affidavit, it was also stated that as per Government of India resolution and direction, there had to be a further relaxation for OBC candidates. With this relaxation the minimum qualifying marks for interview in case of OBC candidates, like the writ petitioner/ appellant, would be 15. It is not in dispute that the writ petitioner/ appellant secured only 12 marks out of 45 marks in interview. Thus, he was clearly short of the minimum qualifying marks.

In our view, this is enough to disentitle the writ petitioner/appellant to any relief and the learned Single Judge rightly dismissed the writ petition.

However, learned counsel for the petitioner/ appellant submitted that providing for minimum qualifying marks in interview is arbitrary. We cannot agree. In the selection process, the candidates generally are evaluated on two bases. Firstly an objective written test and secondly a subjective outlook i.e. viva-voce. The Courts have always deprecated the earlier practice of giving higher weightage or high weightage to subjective evaluations but it has not been held that there cannot be an interview or there cannot be any minimum qualifying marks

for interview.

In that view of the matter, we are in agreement with the learned Single Judge on all the aspects and find no merit in this appeal. Accordingly, this appeal is dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Trivedi/NAFR

U			
---	--	--	--