

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19524 of 2014

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1. Jitendra Kumar, Son of Lakhindra Dubey At + P.O. - Bangra Firoj, P.S. - Baruraj, District - Muzaffarpur.
 2. Ashok Kumar, Son of Raghubansh Singh At + P.O. - Bangra Firoj, P.S. - Baruraj, District - Muzaffarpur.
 3. Awadh Kishore, Son of Harinandan Upadhyay At - Kuahi, P.O. - Chaurghatta, P.S. - Baruraj, District - Muzaffarpur.
 4. Rishikesh Kumar, Son of Rambaran Singh At - New Gopalpur Balua, P.O. + P.S. - Motihari, District - East Champaran.
 5. Sanjeev Kumar, Son of Naresh Kumar Upadhyay At - Sulsabad, P.O. - Mehsi, P.S. - Mehsi, District - East Champaran.
 6. Sohan Paswan, Son of Ambika Paswan At - Unchidih, P.O. - Ram Karan Pakadi, P.S. - Pipara, District - East Champaran.

.... Petitioner/s

Versus

1. The Chairman Central Bank of India Mumbai.
2. The Zonal Manager Central Bank of India, Muzaffarpur.
3. The Regional Manager Central Bank of India, Motihari.
4. The Senior Manager Central Bank of India, Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Priyank Samdarshi
For the Respondent/s : Mr. Ajay Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 24-11-2015

A Public Sector Bank cannot play hide and seek with the rights of citizens for consideration of appointment.

The present writ application came to be filed pursuant to an advertisement issued by the bank themselves for appointment of Safai Karamchari/Adhinastha Karamchari. The advertisement contained in Annexure-1 indicates that the total number of vacancies to be 49.

Based on the advertisement, responses were received which

was processed. The whole exercise of selection was undertaken and just when appointment letter or joining was required to be issued, a communication originated from the headquarter that appointments are not required to be made.

When the writ application was filed, a cursory and casual counter affidavit was filed not coming out with clear stand as to why appointments would not be made.

From various affidavits, varied stand has been taken as to the reason. A reading of the communication also does not indicate as to why right for consideration and appointment will not be implemented after the selection process was completed and only the joining was required to be made.

A Public Sector Bank cannot be expected to work on the whims and fancies of the Managing Director of the bank. They have an obligation towards the citizens to be fair. The plea of varying kind also surely indicates that there is something more than meets the eye, as to why these appointments did not fruitify. There cannot be different reasons for the same cause of non-appointment.

A legitimate right of expectation had been generated in favour of the petitioners. They had undergone the exercise of selection. Selection was also made but on the date when the joining was required to be effected, a communication was made that these

appointments will not be done.

The decision of the respondents smacks of arbitrariness and therefore the Court directs the respondents to ensure that appointment letter is issued to the petitioners in terms of the exercise already done and carried out within a period of eight weeks from today since the order has been passed in presence of the counsel for the bank.

Writ application stands allowed in terms of the above.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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