

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.472 of 2015
IN
Civil Writ Jurisdiction Case No. 24324 of 2013

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Anish Kumar, S/o - Late Kameshwar Prasad Singh, R/o - Village + P.O. - Tope,
P.S.- Shahjahanpur, District - Patna.

.... Appellant

Versus

1. The State Bank of India, a Body constituted under the State Bank of India Act, 1955.
2. The Chairperson, State Bank of India, 18th Floor, Corporate Centre, Madam Cama Road, Mumbai - 4000210.
3. Deputy Managing Director and Corporate Development Officer, State Bank of India, Madam Cama Road, Mumbai - 4000210.
4. Chief General Manager, H.R. State Bank of India, 16th Floor, Corporate Centre, Madam Cama Road, Mumbai - 4000210.
5. General Manager (NW-III), State Bank of India, Human Resources Department, Local Head Office, West Gandhi Maidan, Patna - 800001.

.... Respondents

With

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Letters Patent Appeal No. 479 of 2015
IN
Civil Writ Jurisdiction Case No. 24483 of 2013

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Amod Kumar S/o - Sri Nathuni Prasad R/o - 'Indra Nivas' Village+ P.O.- Dighikala
(West) District- Vaishali

.... Appellant

Versus

1. The State Bank of India , a Body constituted under the State Bank of India Act, 1955.
2. The Chairperson, State bank of India, 18th Floor, Corporate Centre, Madam Cama Road, Mumbai- 4000210.
3. Deputy Managing Director and Corporate Development Officer, State Bank of India, Madam Cama Road, Mumbai- 400210.
4. Chief General Manager , H.R. State Bank of India , 16th Floor, Corporate Centre , Madam Cama Road , Mumbai-400210
5. General Manager, (NW-III), State Bank of India , Human Resources Department, Local Head Office, West Gandhi Maidan , Patna-800001

.... Respondents

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Appearance :

For the Appellants	:	Mr. Y.V. Giri, Sr. Advocate Mr. Vivek Prasad, Advocate
For the Respondents(S.B.I.)	:	Mr. Kaushlendra Kumar Sinha, Advocate Mr. Anjani Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
And
HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 30-11-2015

The present Intra-Court Appeal under Clause 10 of Letter Patent is from the order of learned Single Judge dated 13.11.2014 passed in C.W.J.C. No. 24324/2013.

The writ petitioners are the appellants. Pursuant to advertisement issued by the State Bank of India, constituted under the State Bank of India Act, 1955, recruitment process for Probationary Officers was started for the Batch 2009-2010. The Common Entrance Examination was held on 11.04.2010. The petitioners along with others applied. Writ petitioners/appellant were selected and put on probation. Upon completion of probationary period, they were asked to undergo a test to evaluate his standard for the purposes of confirmation. They failed to make the grade. They were given another chance. Here again, they failed to make the grade, and accordingly by letter dated 31.08.2013, they were not confirmed in service, and as such, stood discharged from service. This is what was challenged by the writ petitioners/appellants and other in different writ petitions. They were all dismissed. Hence, this Intra Court Appeal.

Mr. Y.V. Giri, learned senior counsel, relies on



Annexure - 5 to the writ petition, being Office Order dated 07.02.2011, issued by the State Bank of India, as a policy for confirmation and screening process of probationary officers. With reference to the said policy that, this policy contemplates different options and one of them is that, if the probationer fails to clear the examinations then he would be appointed in Junior Management Grade Scale-I (J.M.G.S.-I) denying him four increments which had become due during the probation period. It is submitted that this option was also denied to them.

We have heard Mr. Y.V. Giri, and Kaushlendra Kumar Sinha, learned counsels for the parties.

At the very outset, we may notice that, advertisement pursuant to which the writ petitioners-appellants applied, contains a Career Path note with regard to confirmation of probationer, which is quoted herein under:

“The Bank may at its discretion, subject to merit and suitability after probation period of a Probationary Officer and Probationary Officer (RB) for future leadership role, to be determined through a screening process, confirm and give



placement (fitment) to selected officers in next higher grade i.e. Officers Middle Management Grade Scale II. The Probationary Officers and Probationary Officer (RB) will be on probation of two years during which they will be given intensive training and towards end of their probation/training period, they will be subjected to a screening process. While those Officers who achieve the pre-determined standards may be confirmed and given placement in the next higher grade i.e. Officer Middle Management Grade Scale II, others who qualify the test but fail to achieve the standards set for placement in Middle Management Grade Scale II, will be confirmed as Officer Junior Management Scale Grade I. The services of those Officers who fail to qualify in this process will be terminated.”

This was a pre-disclosed policy which clearly provided that, if in the test, upon completion of probation, a



probationer secures above a pre-designated marks, he would be taken in as Middle Management Grade Scale-II. If he got less than that, but more than the minimum passing marks, he would be taken into Junior Management Grade Scale I, but if he did not make it at all, he would be terminated. In other words, probation not confirmed. Here, the facts are that, the writ petitioners/appellants first appeared, but could not make the grade at all. They were then given a second chance in this policy. They secured also less than 50% which was the minimum qualifying marks. They could thus neither be considered for M.M.G.S. II, for which they had to secure more than 75%, nor they could have been considered for J.M.G.S. I, for which, they had to secure more than 50%, as per the advertisement itself.

The only 3rd option is that what has been explained to him in the letter of termination. We would not go into the question of whether State Bank had a right to revise its policy or not, because they are only procedural matter for evaluation of merits of Probationary Officers with regard to their suitability and confirmation in service. They cannot be compared, the policy cannot be compared with statutory rules of service like the State Bank of India Officers' Service

Rules, which are statutory rules made under Section 43 of the State Bank of India Act, 1955. The writ petitioners-appellants were fully aware of the consequences.

We, therefore, find no merits in these appeals, they are, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

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