

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7559 OF 2014

- 1 Vishal Nandkumar Dhadvad
Indira Nagar No.3, Nahur Road,
Near Mehul Cinema, Near Ashok Nagar,
Mulund (West), Mumbai 400 080
- 2 Sandeep Dharmpal Lohat
R/o. Dr. Ambedkar Nagar, Near S.T.C.
Society Gate, N.S. Fadke Marg,
Andheri (E), Mumbai 400 069,
- 3 Vinayak Devidas Sonawane,
R/No.22 Shivshakti Nagar,
Sant Kakkayya Marg, Dharavi,
Cross Road, Mumbai,Dharavi 17
- 4 Chetan Waman Sarode,
R/No.05, Sachin Patil Chawl,
Near Charu Pama School,
Kopargaon, Thane
- 5 Sangeeta Satish Kirtawade,
Building No.195, R/No. 7590,
Kannamwar Nagar-2,
Vikroli (East),Mumbai 400083 Petitioners

vs

- 1 Central Bank of India, Chairman
and Managing Director
Chandramukhi Building,
Nariman Point, Mumbai 400021,

- 2 Senior Regional Manager,
Central Bank of India, South Mumbai,
Regional Office, 1st Floor,
Standard Building, DN Road,
Mumbai 400 001
- 3 The Secretary, Govt. of India,
Ministry of Finance and Banking,
Jeevandeep Bldg., Parliament Street,
New Delhi-110 001 Respondents

Dr. Suresh Tatoba Mane with Ms. Babita Pandey for the petitioner.

Mr. S.K. Talsania, Senior Advocate with Mr. Sagar Sheth and with Radha Ved I/by M/s. Sanjay Udeshi and Co. for respondents 1 and 2.

Mr. Vinod Joshi with Lata Patne for respondent No.3.

**CORAM: ANOOP V. MOHTA AND
K. R. SHRIRAM, JJ.**

DATE : March 20, 2015

ORAL JUDGMENT (Per Anoop V. Mohta,J.):

Rule. Rule is made returnable forthwith. Heard finally by consent of parties.

2 The Petitioners, though selected, but not appointed because the Respondent-Central Bank by taking note of various

materials including the stated mal-practice decided to discontinue the whole recruitment process though advertised and accordingly filed an affidavit dated 4.10.2014 on record.

3 The decision so taken by the Respondent-Bank in the background just cannot be tested in this writ petition as various factual aspects need to be considered. Even otherwise, the decision so taken just cannot be interfered with at the instance of Petitioners on the stated doctrine of legitimate expectation. **[(2009) 1 SCC 180] .**

4 It is not the case of the Respondent-Bank that they have appointed any-one based upon the said advertisement. Therefore, the submission that having once selected, the Petitioners should have been considered for the post as prayed and/or at least opportunity should have been given and/or detailed inquiry ought to have have been conducted cannot be accepted. It is settled that such selected candidates have no right to be appointed merely because they appeared in the examination and/or found place in the select list. The question of arbitrary or discriminatory appointment is also not the issue in the

present case as no-one is appointed on the basis of the said selected list. This action/decision of the Respondent-Bank is not within the purview of judicial review.

5 The learned senior counsel appearing for the Respondent-Bank has also relied upon the judgment of the Supreme Court in S.S. Balu and anr. v. State of Kerala, **(2009) 2 SCC 479**, and reiterated the submission based upon the principle of law that even selected candidates do not have legal right in this behalf.

6 Therefore, taking overall view of the matter and in view of the undisputed position of facts as well as law so recorded above, no case is made out. The writ petition is dismissed.

7 Rule is discharged accordingly.

8 No costs.

(K. R. SHRIRAM, J.)

(ANOOP V. MOHTA, J.)