

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.2753/2013

Miss. Manasi d/o Mukund Nagpurkar married to Mr. Amit s/o Madukar Bhalerao
...Versus...
Union of India, Ministry of Finance, Department of Banking, New Delhi through
its Secretary and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mrs. Kalpana Pathak, Advocate for petitioner
Shri B.G. Kulkarni, Advocate for respondent no.2

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATE : 23.11.2015

By this petition, the petitioner seeks a direction to the respondents to publish a fresh select list by including the name of the petitioner for appointment on the post of clerk (Open) in one of the Nationalized Banks in the State of Maharashtra, by withdrawing the communication – notice dated 6.5.2013.

In pursuance of an advertisement published by the respondent no.2 – Institute of Banking Personnel Selection on 15.10.2012, the petitioner had applied for the post of clerk (Open). There were about 1420 posts available in the entire State of Maharashtra for Open Category and 1860 candidates had been successful in the common written test and the interview. The petitioner was one of them. The petitioner had scored 113 marks

in the written examination and had secured aggregate 55.60 per cent in the interview and the written test. According to the petitioner, though the petitioner was eligible to be appointed on one of the posts of clerk (Open), the respondent no.2 illegally published a notice dated 6.5.2013, thereby changing the criteria for selection. According to the petitioner, the change in selection criteria by the communication dated 6.5.2013 is bad in law and hence, it would be necessary to direct the respondent no.2 to withdraw the said notice and prepare a fresh select list including the name of the petitioner for appointment on one of the vacant posts of clerk (Open).

On hearing the learned Counsel for the parties and on a perusal of the affidavit-in-reply filed on behalf of the respondent no.2, it appears that the relief sought by the petitioner cannot be granted. The petitioner had admittedly secured 55.60 per cent marks in the written examination and interview. The first candidate whose name appeared in the select list for the State of Maharashtra had secured 72.60 per cent marks and the last candidate i.e. 1420th candidate had secured 59.80 per cent marks. The petitioner had admittedly secured only 55.60 marks and the petitioner could not have been appointed on the post of the clerk in Open Category as the last candidate that was sought to be appointed had a score of 59.80 per cent i.e. much above the score of the petitioner. It appears that by the notice dated 6.5.2013, the respondent no.2 had not made any changes in the selection criteria and by the said notice, the candidates were informed about the maximum and minimum scores state-wise and category-wise. The case of the petitioner that the respondent no.2

changed the selection criteria after the selection process had commenced by the impugned communication dated 6.5.2013, does not appear to be correct. Also, a direction cannot be issued to the respondent no.2 to consider appointing the petitioner on the post of clerk as the petitioner has secured much lesser marks than the last candidate that was appointed on the post of clerk from the Open Category.

Since there is no merit in the writ petition, the same is dismissed with no order as to costs.

JUDGE

JUDGE

Wadkar