

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

WP(C).No. 3477 of 2014 (H)

PETITIONER(S):

**SANE MOHAMMED, AGED 19,
SINDHYA SANE, PAYITTAKUNNAM, DHONI (PO),
PALAKKAD - 678 009.**

**BY ADVS.SRI.DINNY THOMAS
SRI.JAISHANKAR V.NAIR
SMT.M.SRUTHY**

RESPONDENT(S):

- 1. RESERVE BANK OF INDIA,
CENTRAL OFFICE, MUMBAI - 400 001,
REPRESENTED BY ITS GOVERNOR.**
- 2. REGIONAL DIRECTOR FOR KERALA,
RESERVE BANK OF INDIA, BAKERY JUNCTION, P.B.NO.6507,
THIRUVANANTHAPURAM - 695 033.**
- 3. MANAGER,
HUMAN RESOURCE MANAGEMENT DEPARTMENT,
RESERVE BANK OF INDIA, BAKERY JUNCTION, P.B.NO.6507,
THIRUVANANTHAPURAM - 695 033.**
- 4. ANUS IBNU SALAM,
OFFICE ATTENDANT, RESERVE BANK OF INDIA,
BAKERY JUNCTION, P.B.NO.6507,
THIRUVANANTHAPURAM - 695 033.**

**R1-R3 BY ADV. SRI.MILLU DANDAPANI
R4 BY ADVS. SRI.BABU VARGHESE (SR.)
SRI.C.V.ALEXANDER**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
11-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1: TRUE COPY OF THE NOTIFICATION NO.1/2013.
- EXHIBIT-P2: TRUE COPY OF THE S.S.L.C.CERTIFICATE NO.J156033.
- EXHIBIT-P3: TRUE COPY OF THE RELIEVING LETTER DATED 6.4.13.
- EXHIBIT-P4: TRUE COPY OF THE CERTIFICATE NO.4169.
- EXHIBIT-P5: TRUE COPY OF THE CERTIFICATE NO.0025.
- EXHIBIT-P6: TRUE COPY OF THE CERTIFICATE NO.000104.
- EXHIBIT-P7: TRUE COPY OF THE CERTIFICATE NO.049.
- EXHIBIT-P8: TRUE COPY OF THE APPLICATION FORM.
- EXHIBIT-P9: TRUE COPY OF THE CALL LETTER FOR SELECTION TRIAL DTD.5.7.2013.
- EXHIBIT-P10: TRUE COPY OF THE CALL LETTER FOR INTERVIEW DTD. 31.7.2013.
- EXHIBIT-P11: TRUE COPY OF THE APPLICATION UNDER THE RIGHT TO
INFORMATION ACT.
- EXHIBIT-P12: TRUE COPY OF THE REPLY OF THE 1ST RESPONDENT.
- EXHIBIT-P13: TRUE COPY OF THE ORDER APPOINTING THE 4TH RESPONDENT.
- EXHIBIT-P14: TRUE COPY OF THE APPEAL BEFORE APPELLATE AUTHORITY.
- EXHIBIT-P15: TRUE COPY OF THE REPLY DATED 25.11.2013.
- EXHIBIT-P16: TRUE COPY OF THE REPLY DATED 11.12.2013.
- EXHIBIT-P17: TRUE COPY OF THE REPLY DATED 19.12.2013.

RESPONDENT(S)' EXHIBITS:

- EXT.R1(a): TRUE COPY OF THE INSTRUCTIONS ISSUED BY THE RESERVE BANK
CENTRAL OFFICE, MUMBAI, TO ALL OFFICES WHERE THE RECRUITMENT
UNDER SPORTS QUOTA HAD TAKEN PLACE.
- EXT.R4(a): TRUE COPY OF THE APPLICATION DATED 5.4.2013 SUBMITTED TO RBI.
- EXT. R4(b): TRUE COPY OF THE SSLC CERTIFICATE.

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EXT. R4(c): TRUE COPY OF THE HSC CERTIFICATE.

EXT. R4(d): TRUE COPY OF CERTIFICATE OF MERIT

**EXT.R4(e): TRUE COPY OF THE PARTICIPATION CERTIFICATE FOR 19TH U-21
NATIONAL CHAMPIONSHIP.**

**EXT.R4(f): TRUE COPY OF THE PARTICIPATION CERTIFICATE IN SENIOR INTER
DISTRICT FOOTBALL CHAMPIONSHIP.**

EXT.R4(g): TRUE COPY OF CALL LETTER DATED JULY 5,203 FOR SELECTION TRIAL.

EXT.R4(h): A TRUE COPY OF THE INTERVIEW MEMO DATED 31.7.2013.

**EXT.R4(i): TRUE COPIES OF THE PAPER REPORTS HIGHLIGHTING THE SPORTS
PERFORMANCE.**

EXT.R4(j): A TRUE COPY OF THE INTERVIEW MEMO DATED 21.8.2013.

EXT.R4(k): TRUE COPY OF APPOINTMENT LETTER DTD.5.9.2013.

**EXT.R4(l): TRUE COPY OF CERTIFICATE OF SELECTION TO KERALA STATE
SANTHOSH TROPHY COACHING CAMP.**

**EXT.R4(m): TRUE COPY OF PARTICIPATION CERTIFICATE REGARDING ALL INDIA
PUBLIC SECTOR FOOTBALL TOURNAMENT.**

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.3477 of 2014

Dated this the 11th day of February, 2015

JUDGMENT

This writ petition is filed one of the aspirants for the appointment to the post of the Office Attendant pursuant to the notification issued by the Reserve Bank of India for recruitment of meritorious sports persons in the Bank.

2. The recruitment procedure mentioned in Ext.P1 notification reads as follows:

“Candidates possessing requisite qualifications will be called for selection trials. Candidates who qualify in selection trials for the discipline applied for will be called for interview at respective centres. Since the recruitment will be mainly on the basis of sports qualifications suitable weightage would be given to this factor as well as the age of the candidates. Selection will be made strictly on the basis of merit. Selection trials and

interviews will be conducted at respective offices.

The Bank reserves the right to restrict number of candidates to be called for interview. Mere fulfillment of requisite qualifications will not confer any right on a candidate to be called for interview. Candidates found suitable will be waitlisted. Final selection will depend, inter-alia, on verification of character & antecedents, medical fitness and verification of genuineness of sports certificates to the Bank's satisfaction."

3. The petitioner's case is that he stood first in the selection trials and he is younger in age comparing to the selected person, who is the fourth respondent and therefore, he alone is eligible to be appointed as meritorious person among sports persons. It is submitted that giving undue marks in an interview, the fourth respondent has been selected.

4. Pursuant to the directions of this Court, marks of the selected candidates have been placed before this Court. It is seen from the records, the interview board awarded 75 marks

to the petitioner and 85 marks to the fourth respondent. Therefore, it is based on the higher marks obtained by the fourth respondent in the interview, the fourth respondent has been selected and appointed to the above post. It is submitted that he was appointed in the year 2014.

5. The recruitment procedure is not under challenge. The recruitment method as contemplated in the notification would clearly indicate that the candidate possessing requisite qualification will be called for selection trials. Thereafter, the candidates qualified in the selection trials will be called for the interview in the respective centre. The 'selection trial' as envisaged under the notification was held for the purpose to weed out unmeritorious candidates and to select only candidates, who are otherwise found fit to be appointed as sports persons in the Bank. In the matter like 'selection trials' there cannot be any yardsticks of determining the merits other than assessing performance objectively for the purpose of

recruitment. Once the candidates undergo the process of selection trials, they had to face interview, which essentially to find out suitability of the candidates for the purpose of retaining as sports personnel in the Bank as well as for the purpose of discharging their duties as the Office Attendant in the Bank. This is essentially the scope of interview as contemplated under the notification. The selection trial is alone not the criteria. The interview appears to be the method adopted by the Bank to assess the suitability of the candidate. In the absence of any challenge against notification, this Court cannot find that the procedure adopted by the Bank is erroneous or not.

6. The petitioner's case is that if suitable weightage is given to his age, he would have been preferred for selection, I am of the view, the age factor was a matter to be reckoned by the interview Board while assessing suitability of the candidate. Having assessed the age and also comparative

performance in the different tournaments, to which the petitioner and the fourth respondent had taken part, they have assigned marks. The wisdom of the Interview Board unless it is tainted with any malafides, cannot be interfered by this Court invoking power of judicial review under Article 226 of the Constitution.

In view of the facts and circumstances, I do not find any merit in this writ petition. Accordingly, this writ petition is dismissed. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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