

HON'BLE SRI JUSTICE S. RAVI KUMAR

WRIT PETITION No.3548 of 2003

ORDER:

This writ petition is filed to declare the action of 3rd respondent in issuing letter No.Gr.VI/F3c/2002-2003/3504 dated 20.02.2003 as illegal, arbitrary and violative of Articles 14 and 16 of Constitution of India and also contrary to understanding arrived with State Sector Bank Employees Association communicated vide Circular No.Per/2002-2003/86 dated 22.01.2003 and consequently direct

3rd respondent to allow the petitioner for interview along with other candidates without reference to the written test for promotion to the post of clerk.

2. According to petitioner, he was appointed on 30.05.1986 as Sweeper on daily wage basis and his services have been regularized in the year 1990 and that he has been discharging his duties to the satisfaction of superiors. According to petitioner, as per promotion policy of the Rural Banks to Clerical cadre from Subordinate cadre was on seniority basis selection. The State Bank of Hyderabad issued Circular dated 22.01.2003, which was circulated to all branches and administrative offices, according to which, the promotions from Subordinate cadre to clerical cadre (Channel-III), there shall be no written test and they have to be selected through interview

only and the eligibility criteria for promotion under Channel-III is as under:

- a. The employee should have passed matriculation or an equivalent examination conducted by a recognized university or Board on or before 1st December, 2002.
- b. The employee should have put in a minimum of 15 years confirmed satisfactory full time service as on 1st December, 2002.

3. According to petitioner, he submitted a representation on 18.02.2003 requesting the Chairman, Sree Rama Grameena Bank, Nizamabad, to exempt him from the written test and consider his promotion directly by taking interview. But, 3rd respondent fixed written test on 02.03.2003 and that petitioner apprehend that he may not be allowed to appear for interview unless he appear for written examination and that the action of 3rd respondent is illegal and therefore to direct 3rd respondent to allow the petitioner for interview along with other candidates without insisting for written test for promotion to the post of Clerk.

4. Third respondent filed counter disputing the claim of petitioner contending that petitioner is not entitled for the reliefs prayed in the writ petition. According to 3rd respondent, there can be no promotion to any Messenger on the basis of sole seniority without holding any written test and that majority of the branches of 3rd respondent

are manned by a single officer and a lone clerk-cum-cashier and as such a better and higher standard of knowledge and working capabilities are expecting of such incumbents. According to 3rd respondent, petitioner is eligible to appear for the written test only and on being success at the written test, he can be called for interview and written test cannot be dispensed with for petitioner merely on the ground of his length of service. It is also stated in the counter that petitioner's name is at Sl.No.5 in the list of Messengers eligible for written test and that the test was conducted on 02.03.2003 and that the grievance of petitioner is unjust, baseless and ill-founded. It is further stated that no candidate who has not appeared for written examination will be called for interview and that 3rd respondent cannot deviate from the guidelines issued by the NABARD and Government of India in the matter of promotions and as such the claim of petitioner to allow him to appear for interview without insisting for written test is not tenable and that the writ petition is liable to be dismissed.

5. Heard arguments.

6. The main contention of advocate for petitioner is that the staff promotion policy is through proceedings dated 22.01.2003 and the eligibility criteria is pass of matriculation by a recognized university or Board on or before 1st December, 2002 and that employee should have put in a minimum of 15 years of his confirmed

satisfactory full time service as on 1st December, 2002 and that petitioner has fulfilled these two requirements and in fact his name was figured at Sl.No.5 in the eligibility list and as per the promotion policy, there is no need for written test and the promotions from Messenger to Clerical cadre has to be on the basis interview, therefore, the contention of 3rd respondent is not tenable.

7. I have perused the promotion policy guidelines dated 22.01.2003 and nowhere it is stated in this scheme that the promotion is to be on the basis of interview only. It only contemplated eligibility requirement, like educational qualification and length of service. Basing on the eligibility criteria, a list was prepared on 20.02.2003, in which petitioner was figured at Sl.No.5 among the staff, who are eligible for promotion from Messenger to Clerk. It is not the case of petitioner any of these staff members enlisted from Messenger to Clerical are called for interview directly without conducting any written test. As seen from the counter a written test was conducted for these eligibility candidates on 02.03.2003 and admittedly petitioner has not appeared for that test and as seen from the representation dated 18.02.2003 he sought exemption from written examination and requested the authorities to directly call him for interview. As rightly objected by the respondent the relief of petitioner is contra to the guidelines and circulars. Third respondent followed the

procedure indicated in the circular in respect of promotions from the eligible staff. When a uniform procedure is followed for selecting staff for the purpose of promotion, petitioner cannot claim exemption from such uniform procedure. On a consideration of entire material, I am of the considered view that the request of petitioner is highly unjustified and not tenable and that the claim of petitioner is contra to the procedure adopted by 3rd respondent in respect of all other staff members. For these reasons, I am of view that the writ petition is devoid of merits and liable to be dismissed.

8. Accordingly, this writ petition is dismissed.

9. Miscellaneous Petitions pending, if any, shall stand closed. No costs.

S. RAVI KUMAR, J

18th December 2015.

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