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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) No. 1878/2014

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13th February, 2015

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..... Petitioner

Through: Mr. U. Srivastava, Adv.

versus

INSTITUTE OF BANKING PERSONNEL SELECTION THROUGH ITS
DIRECTOR & ORS. Respondents

Through: Mr. Rajat Arora, Adv. for R-1 and 2.

Mr. O.P.Gaggar, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

1. By this writ petition filed under Article 226 of the Constitution of India, petitioner had challenged the action of the respondent no.1 in not declaring her successful for being appointed to the post of *Rajbhasha Adhikari* (Scale-I) with the Central Government organizations/banks for whom the respondent no.1 conducts the necessary examination. The reason for denying appointment to the petitioner was that the petitioner on the date of the interview had to bring the Other Backward Class (OBC) certificate, but the petitioner did not bring the requisite OBC certificate.

2. The date of the interview on which the petitioner had to bring the OBC certificate was 18.3.2014 and the petitioner before this date had applied for the certificate but the governmental authorities from whom the certificate was applied, did not give the same, and therefore the petitioner could not bring the OBC certificate on the date of the interview, and which is the reason for denying employment to the petitioner in the OBC category.

3. In law, citizens of this country and the common man cannot be caused prejudice because of lethargy of government departments in issuing of OBC certificates and the requirement of the respondent no.1 or an employer organization to have an OBC certificate only and essentially means that before the cut-off date a candidate must apply for the OBC certificate, and even if the same is not given before the cut-off date inasmuch as what is the time taken by the governmental authorities for giving of a certificate is not in the hands of the common man, not giving of the OBC certificate in such a case should not go against the candidate.

4. In this case, an interim order was passed by this Court on 8.5.2014 whereby one post was asked to be reserved for the petitioner and the respondents were asked to intimate this to the respondent no.3 viz the Union Bank of India.

5. Today, *dehors* the controversy in the case, it is jointly agreed by the respondent no.1 and the respondent no.3/Union Bank of India that the petitioner is selected in the unreserved category because she has received marks entitling her to succeed in the unreserved category and therefore petitioner will be given appointment letter for the post of *Rajbhasha Adhikari* (Scale-I) in the respondent no.3/Union Bank of India, however, the petitioner for all her future career prospects will be treated as an OBC candidate.

6. In view of the above, the writ petition is disposed of in view of the agreed stand taken on behalf of respondent nos.1 and 3 and therefore petitioner, subject to her giving the necessary testimonials/documents, either to the respondents no. 1 or 3, and on the same being appropriately verified, the requisite appointment will be given by the respondent no.3 within a period of four weeks from today.

7. The writ petition is allowed and disposed of in terms of the aforesaid observations.

FEBRUARY 13, 2015
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VALMIKI J. MEHTA, J.