*   IN THE HIGH COURT OF DELHI AT NEW DELHI

\+   W.P.(C) No. 2246/2014

%   **12th January , 2015**

VIKAS AGARWAL   ......Petitioner

Through: Mr. S.Chakraborty, Adv. and Mr. Deepak Malik, Adv.

VERSUS

PUNJAB NATIONAL BANK   ...... Respondent

Through: Mr. Jagat Arora, Adv.

CORAM:
HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

1. This writ petition under Article 226 of the Constitution of India is filed by the petitioner questioning the rejection order of the respondent-Punjab National Bank thereby rejecting the candidature of the petitioner for the post of Manager(Marketing)-MMG-Scale-II advertised in terms of the advertisement dated 24.6.2011.

2. The subject advertisement is filed as Annexure P-1 by the petitioner to the writ petition. Serial no.5 of the advertisement under the heading of the eligibility criteria with respect to the post of the Manager (Marketing)-MMG-Scale-II requires that the candidate must have two years

experience in the financial sector in marketing of financial products. The issue is whether the petitioner had this necessary experience and had given the necessary certificates as required by serial no.5 of the advertisement at the time of giving of his application.

3(i) Petitioner has failed to show me any document showing that alongwith the application for the post in terms of the advertisement dated 24.6.2011, petitioner had given the necessary experience documents of marketing of financial products for 2 years.

(ii) Counsel for the petitioner places reliance upon the certificate of HDFC Bank Ltd. dated 30.12.2013 showing that petitioner was engaged in the sales of financial products from 17.8.2009 to 17.10.2010, however this certificate does not help the petitioner for two reasons.

(iii) Firstly, this certificate is dated 30.12.2013 and in this case the selection process is of a much earlier date in 2011 in terms of the advertisement dated 24.6.2011, and the interview was conducted on 30.12.2011. Obviously, therefore, this certificate dated 30.12.2013 was not in existence on 30.12.2011, and therefore, could not have been submitted on or before 30.12.2011 as being an experience certificate for the post in question.

(iv) The second reason for rejecting this certificate is that a total experience period of marketing of financial products given in the certificate dated 30.12.2013 is from 17.8.2009 to 17.10.2010, ie a period of about one year and two months and which therefore does not fulfill the requirement of two years experience in terms of the subject advertisement dated 24.6.2011.

(v) Learned counsel for the petitioner then sought to rely upon the experience certificate given by the ABN Amro Bank dated 30.3.2009, but a reference to this certificate shows that that the said ABN Amro Bank has only given a certificate that the petitioner as per his last designation was Associate Manager (Personal Banking). This certificate therefore of about 11 months from 28.1.2008 to 31.12.2008 is not with respect to marketing of financial products, and thus would not help the petitioner. Also, there is nothing filed before this Court that this certificate was given by the petitioner alongwith his application pursuant to the advertisement dated 24.6.2011, or at the time of the interview on 30.12.2011 and what is relevant in law is the giving of the experience certificate by the candidate at the relevant time and not much later after the selection processes have been completed.

4. I may at this stage note that the respondent-bank has filed alongwith the counter-affidavit as Annexure R-1 dated 30.12.2011 a hand written certificate given by the petitioner himself with respect to his experience in HDFC Bank Ltd. and ABN Amro Bank, and therefore it is clear that the experience certificates which are now relied upon by the petitioner with respect to HDFC Bank Ltd and ABN Amro Bank were never given by the petitioner on 30.12.2011 when he was called for the interview, and when he had only given a self-certificate.

5. In view of the above it is clear that the petitioner not only did not have the necessary experience in marketing of financial products of two years, but also the petitioner failed to file the necessary experience certificates (assuming that he has experience of two years) during the selection process i.e at the relevant time of submitting of the experience certificates.

6. In view of the above, there is no merit in the petition and the same is therefore dismissed, leaving the parties to bear their own costs.

JANUARY 12, 2015 **VALMIKI J. MEHTA, J**

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