

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18532 of 2015

Shilpy Suman Daughter of Ranjeet Kumar resident of Buudh Bihar Colony, Bhoot Nath Road, Kankarbagh, P.S. Agamkuan, District - Patna

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Department of Finance, New Delhi
2. Chairman - Cum - Managing Director, Institute of Banking Personnel Selection (I.B.P.S.), IBPS House, 90 Feet, D.P. Road (Near Thakur Polytechnic. Post Box No. 8587, Kandivali East, Mumbai (Maharashtra), PIN 400101
3. Madhya Bihar Gramin Bank (Interview Conducting Authority of Respondent No. 2) through its General Manager, Opposite Museum, Chhajubagh Road, P.S. Kotwali, District - Patna 800001

.... Respondent/s

Appearance :

For the Petitioner/s :	Mr. Ajay Prasad
	Mr. Ajit Kumar Sinha
For the IBPS:	Mr. Siddharth Prasad
For the Bank:	Mr. Mahesh Narayan Parbat, Sr. Advocate
For the UOI:	Mr. Sujit Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 21-01-2016

Heard learned counsel for the parties.

Petitioner was one of the successful candidates for the post of Class-I Officer under the respondent-Madhya Bihar Gramin Bank. The recruitment exercise was done by an organization known as Institute of Banking Personnel Selection, who is Respondent No. 2 before this Court. Petitioner's interview was scheduled on 21.11.2015, but she was not allowed to participate on the ground that the caste and creamy layer certificate furnished by the petitioner to the respondents was more than one year old.

There is no dispute that as per the instruction each and every candidate was supposed to produce the caste certificate / creamy layer certificate issued one year prior to the date of interview.

Submission of the counsel for the petitioner is that it is too hyper-technical a reason to reject or otherwise a duly selected and qualified candidate and denying her opportunity of employment, when she had more or less established her capability, at least in the written examination, conducted by Respondent No. 2 will be very unfair to her and her future prospects.

Counsel for the petitioner also submits that obtaining a caste certificate in a routine manner is not an easy job. The caste certificate, which has already been issued to the petitioner, was furnished to the bank and the recruiting agency, therefore, the category to which the present petitioner belongs cannot be a matter of dispute even if that certificate was more than one year old.

No doubt, the creamy layer status of a candidate may change and that can be one of the reasons why the last one year certificate has been insisted upon by the recruiting agency as a pre-condition.

In the present case, the petitioner has also filed a second supplementary affidavit, which indicates that she has obtained a caste-certificate which was signed by the Sub-divisional Officer, Patna on 21.11.2015 and issued vide memo no. 2472, dated 25.11.2015.

Let such a caste certificate be now considered by the respondent, hold an interview of the petitioner and subject to the total performance depending upon the written examination and her performance in the interview, result may be declared.

The stand of the bank as well as the Institute of Banking Personnel Selection, raising such objections, is worthy of consideration only to a point because the Court is of the opinion that even though the instruction did communicate the caste certificate, issued one year prior to the date of interview will be valid, no candidate can be sure as to when the examination will be conducted and when the interview shall be held.

In that view of the matter, writ application is allowed. Even otherwise it is a very hyper-technical ground to reject an eligible candidate.

The respondents are directed to complete the formality of interview and publication of result of the petitioner within a period of four weeks from the date of communication / production of a copy of this order.

(Ajay Kumar Tripathi, J)

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