

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5249 of 2013

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Kishmat Ram S/O Mahender Ram Resident Of Village- Kulhwan, Police Station- Dumraon, District- Buxar.

.... Petitioner/s

Versus

1. The Chief General Manager Allahabad Bank. Head Office, Netaji Subhash Road, Kolkata.
2. The Deputy General Manager And Zonal Head, Allahabad Bank, Zonal Office, Patna.
3. The Branch Manager, Allahabad Bank Purana Bhojpur, Police Station- Dumraon, District- Buxar.
4. Sunil Kumar S/O Late Chhathu Ram Resident Of Village- Chilhari, Police Station- Dumraon, District- Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Uma Shankar Tiwari, Advocate.

For the Respondent Bank: Mr.Ajay Kumar Sinha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

7 11-04-2016

Heard the counsel for the petitioner and the counsel for the State.

In this case the petitioner is claiming for appointment on Class- IV post of Sweeper. As per the claim of the petitioner he had received an Interview Letter on 28.8.2009 directing him to appear on 5.9.2009 at 10.30 hour before the Branch Manager. The petitioner appeared before the Branch Manager who conducted the interview of the Petitioner before whom submitted all the required documents such as (i) Original copy of registration with the District Employment Exchange, Buxar (ii) photo copy of the requisite educational qualification and the Caste Certificate and after

interview he was assured about the appointment as a Sweeper. Even after selection no appointment letter was issued to him. But after some time the petitioner came to know that the Branch Manager had appointed private respondent no.4 in place of the petitioner arbitrarily and on extraneous consideration. It has been submitted that the appointment of private respondent no.4 is completely illegal and not sustainable in law because he had no requisite qualification, neither he was registered with the District employment Exchange nor he was called for interview. Even then he has been appointed as sweeper

In view of the fact that he has been working in the Branch in question as a part time, but he has been deprived of the appointment.

This Court had directed the counsel for the Bank to produce original record with regard to selection which was conducted by the Zonal office but did not produce the same.

The counsel for the Bank has submitted that in 2009 neither process of selection was initiated nor eligible candidate was called for interview. The question of consideration of the case of the petitioner does not arise so much so respondent no.4 was appointed on the post of sweeper in place of the petitioner also does not arise in view of fact that vacancy was notified in 2010 and

selection process was initiated in 2010, in such situation, how does the claim of the petitioner to be considered.

Having considered the rival submissions of the parties, in view of submission of the Bank that process of selection was not initiated in 2009 rather the same was initiated in the year 2010. In such circumstance, even if the Branch Manager has called him for interview is of no relevance, reason is that the selection of any persons in services of the bank is to be related to the year the vacancy was notified. When the process of selection itself was not initiated in the year 2009 claim of petitioner is not sustainable. However, if vacancy is notified by the Bank for the post of sweeper in future, the case of the petitioner would be considered giving benefit of relaxation of age.

With the aforesaid observation, this application is disposed of.

(Shivaji Pandey, J)

AnilKrSinha/-

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