

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION No. 348 OF 2014

Vikram Ajit Singh

...Petitioner

Vs.

State Bank of India & Anr.

...Respondents

Mr.Pankaj G.Jain i/b Mr.G.M.Jain for the Petitioner.

Mr. Neel Helekar, for Respondent Nos. 1 and 2.

CORAM : ANOOP V. MOHTA &

A.A.SAYED, JJ.

DATED : 2 APRIL 2016

ORDER:

Rule. Returnable forthwith. Heard finally by consent of parties.

2. The Petitioner has challenged the notices/communications dated 3 June 2013 and 24 July 2013. That resulted into denial of appointment of the Petitioner to the post of Clerk based upon the recruitment Advertisement dated 25 July 2013 (for recruitment of clerical staff in Association Banks of State Bank of India). Though initially the Petitioner was called for interview, but later on the Respondents found that the Petitioner was not eligible as he has not secured minimum 60% marks in aggregate in the 12th Standard Examination. The same was the requirement as per the Advertisement. The Petitioner is unable to deny the said position.

3. The Respondents after reverifying the documents of the Petitioner as a part of the appointment formality noted the fact that though the Petitioner has shown 62% in 12 standard but factually it was incorrect, as he has secured only 59.98% marks in 12 standard examination. Rejection orders/communications, in our view, cannot be faulted. Admittedly the Petitioner participated and applied for the post knowing fully the basic requirement, which is clearly mentioned in the Advertisement dated 25 July 2012. The argument that because Haryana State, based upon the policy of the State Government, takes into consideration marks of only 5 subjects instead of 6 subjects and therefore the marks of 5 subjects ought to be considered cannot be countenanced.

4. Though argument is made referring to Article 16 of the Constitution and quoting the Supreme Court judgment in **Radhey Shyam Singh & ors. v/s. Union of India & ors.**¹, we see no case is made out by the Petitioner to entertain even this submission, as there is no specific challenge to the policy and the Advertisement in question. The judgment so cited is distinguishable on facts

1 1997 (1) SCC 60

5. Therefore taking overall view of the matter, no case is made out to grant any relief. The Petition is dismissed. No costs.

(A.A. SAYED, J.)

(ANOOP V. MOHTA J.)