



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.12.2016
CORAM:

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

WEB COPY

W.P. (MD) No.22404 of 2016

A.Selvamani

... Petitioner

Vs.

The Chairman,
Pandyan Gram Bank,
Administrative Office,
2-70-1, Collectorate Complex,
Virudhunagar 626 002.

... Respondent

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to consider the representation dated 04.10.2016 to provide reasons and marks in the written examination and interview along with the promoted employees within the stipulated time as fixed by this Court.

For Petitioner : Mr.C.Masilamani
For Respondent : Mr.N.Dilip Kumar

O R D E R

The petitioner seeks to issue a Writ of Mandamus, directing the respondent to consider the representation dated 04.10.2016 for providing marks in the written examination and interview along with the promoted employees within a time frame.

2.The case of the petitioner is that he is working as Office Assistant in respondent Bank. For filling up of 156 vacancies to the post of Officer Scale - I, written examination and interview were conducted. However, initially, the petitioner was not called either for examination or for interview and thereafter, on 22.04.2016, the petitioner was permitted to attend supplemental examination along with the debarred candidates. Accordingly, the petitioner appeared for the said examination and thereafter, on 25.07.2016 he was allowed to attend for personal interview.

3.The grievance of the petitioner is that on 09.08.2016 a promotion list was announced for Office Assistant (Multipurpose) to Junior Management Scale-I (Asst.Manager), but, the name of the petitioner was not found in the said list. Therefore, the petitioner requested the respondent to provide reasons for not promoting him to the above said post and also requested to provide the marks in the written examination and also in the interview along with the promoted candidates so that he can understand his strength and weakness, which would help him for further improvement. In this regard, the petitioner sent a representation



on 04.10.2016 to the respondent. However, the same is still pending. Hence, the petitioner is before this Court with the above said prayer.

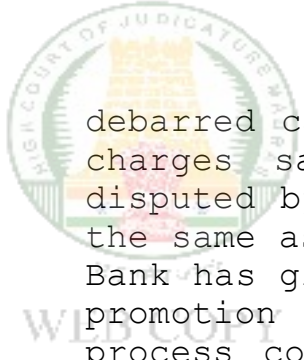
4. The learned counsel appearing for the petitioner submitted that the respondent / Bank refused to furnish the details of the marks obtained by the petitioner and also the other candidates and that the respondent cannot keep the same in a secret manner. He further submitted that if the details are furnished to the petitioner, it would help him to understand his strength and weakness and also to choose the area for improvement, so that he can participate in subsequent interviews with confidence.

5. The respondent has filed a detailed counter affidavit stating that the petitioner's representation dated 04.10.2016 was considered and to that effect, orders have been passed on 15.11.2016 by General Manager cum Central Public Information Officer (CPIO). It is further stated in the counter affidavit that due to charges of misappropriation of funds of the Bank, the petitioner was debarred for further promotion with effect from 14.07.2015. As per the direction of this Court in W.P.(MD)No.6913 of 2016 filed by one Arivudainambi, Assistant Manager, an opportunity was given to all the debarred candidates including the petitioner. As per the promotion policy, the eligible candidates, who secured minimum mark of 50% in all the three parameters, were considered for promotion from Office Assistant (MP) cadre to Officer Cadre in Junior Management Scale-I. Since the petitioner did not obtain the minimum percentage of marks in written test and also interview for selection, his candidature has not been considered for promotion.

6. It is further stated in the counter affidavit that earlier when the petitioner submitted an application under Right to Information Act requesting to provide written test and interview marks, the same were provided to him stating that he secured only 47.10% (11.50 marks in written test, 18 marks in interview and 17.60 in PAR = 47.10%) which is less than the required minimum aggregate mark of 50%. In respect of the marks obtained by the other candidates, the same was declined on the ground that it relates to third parties and they are exempted under Section 8.1 (d) of RTI Act. It is also seen that by a communication dated 15.11.2016 the total number of vacancies filled up was given as 32 and the panel members particulars together with marks secured by the petitioner were also provided.

7. Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondent.

<https://hcservices.courts.gov.in/hcservices/> mentioned supra are not in dispute. The petitioner has appeared for selection process with regard to the



debarred candidates along with other candidates. Even though the charges said to have been framed against the petitioner are disputed by the petitioner, this Court is not inclined to go into the same as that is not an issue to be decided in this case as the Bank has given an opportunity to the petitioner for the purpose of promotion and not for any other purpose as it is a selection process conducted for debarred candidates based on seniority cum merit and not merit cum seniority. For preparation of merit list under normal channel, there shall be minimum qualifying marks of 50% in aggregate of written test, interview and performance appraisal reports and selection of successful candidates for promotion shall be made by going down in seniority order starting from the top and selecting those found to have scored the said minimum qualifying marks of 50% in the aggregate up to a number equal to the number of vacancies notified for this channel. Whoever coming out successful in the written examination and also interview by securing an aggregate of 50% marks prescribed in terms of the promotion policy, alone have been selected based on seniority and if any senior like the petitioner has not come out successful in the examination even though he is senior, his name would not be considered as seniority cum merit will have to be satisfied, which is absent in this case.

9.As rightly pointed by the respondent, no purpose would be served if the performance and other details in respect of other candidates are furnished, as it would give unnecessary unrest among the officers or employers. Though the promotion policy is silent, with regard to furnishing of particulars of other candidates, this Court has never forgotten to pose a question to the respondent as to the impact of such production, for which, the respondent submitted that in case such a request is accepted, certainly the others candidates, who are lower in rank may also create havoc and there will not be smooth cordiality among employees.

10.In view of the above, I find much force in the contention of the respondent and since the representation of the petitioner has already been disposed of, I find no merits in this Writ petition. Accordingly, the same is dismissed. No costs.

Sd/
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar.

+1cc to Mr.N.Dilip Kumar,Advocate, Sr.No.82349

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