

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17976 of 2008

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Raj Narayan Paswan, son of late Ram Sewak Paswan, resident of Village Kushi
JHarpur Mani, P.S. Kanti, District Muzaaffarpur

.... Petitioner/s

Versus

1. The Allahabad Bank through its Chairman, Allahabad Bank, Main Office-2,
Netaji Subhash Road Kolkata
2. The Senior Manager (Personnel & Administration) Allahabad Bank, Divisional
Office, Muzaaffarpur
3. The Manager, (Personnel & Administration) Allahabad Bank, Divisional Office,
Muzaaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. SHASHI BHUSHAN SINGH

For the Respondent/s : Mr. AJAY KR.SINHA

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 17-11-2017

Heard learned counsel for the petitioner and learned counsel
for the Bank.

This matter relates to appointment of part time Sweeper in
Allahabad Bank situated at Divisional Officer, Muzaaffarpur.

An advertisement was published in the newspaper and in
pursuance thereof the petitioner and others have applied for the
same but the petitioner could not be selected. His grievance is that
Pankaj Kumar Singh, who is a general candidate should not have
been appointed rather petitioner should have been appointed as
he is candidate of scheduled caste having been sponsored by the
employment exchange. He has placed reliance on sub clause 5 of
Clause 3 which prescribes that candidates applying must have



their names registered with the local Employment Exchange and Sub Clause (i) of Clause 4 prescribes that candidate may preferably belong to SC/ST/OBC category though there will be no bar for recruitment of general candidates as Sweeper. Sub Clause (iv) of Clause 4 stipulates that the employment exchange may be requested to sponsor names of the candidates residing in the vicinity of branches/offices for which the recruitment is to be initiated.

Bank has not only got the name of the candidate from the employment exchange but also an advertisement was published in the newspaper, in pursuance thereof more number of candidates was taken into consideration. The petitioner and others have appeared in the selection process, five persons, namely, Binod Kumar Paswan, Amit Kumar Tara Chand Paswan, Umesh Paswan and Pankaj Kumar Singh having been appointed and they have secured more than 25 marks.

Admittedly the petitioner has secured less than minimum qualifying marks of 25, if the petitioner failed to muster the qualifying marks he cannot claim that different standard has been adopted, appointment cannot be faulted in view of Article 16 of the Constitution of Indian which prohibits consideration of person received through employment exchange. Sponsoring of the



name from the employment exchange would act supplement to the names comes through advertisement published in the newspaper. If the Bank has received the application through publication of advertisement and employment exchange, selection cannot be said to be bad and the Bank cannot be said to have committed any illegality in selecting four persons of scheduled caste and one person from general category candidate who has secured 31 marks. Admittedly the petitioner could not qualify so he could not be selected and appointed.

This Court does not find any merit in this writ petition. It is accordingly dismissed.

(Shivaji Pandey, J)

Vinay/-

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