

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12886 of 2017

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Hemant Kumar Jha, S/o Ram Naresh Jha, Resident of Village- Mahishi, P.S. Bibhutipur, District- Samastipur at present Central Bank of India, Malgudam Road, Dalsingsarai Branch, P.S. Dalsingsarai, District Samastipur.

.... Petitioner/s

Versus

1. The Union of India, through its Secretary, Department of Finance, Govt. of India, New Delhi.
2. The Secretary, Ministry of Personnel Public Grievance and Pensions (Department of Personal and Training) New Delhi.
3. The General Manager, Central Bank of India, Chandramukhi, Nariman Point, Mumbai 400021 (Maharashtra).
4. The Chief Managing Director, Central Bank of India, Chandramukhi, Nariman Point, Mumbai 400021 (Maharashtra).
5. The Bihar State of Regional Office of Central Bank of India, Bihar, Patna.
6. Zonal Manager, Central Bank of India, Mauryalok, Patna.
7. The Regional Office, HRD Department, Central Bank of India, Allalpati, Darbhanga.
8. J.V. Poojary (Regional Officer) Central Bank of India, Allalpati, Darbhanga.
9. Prabhash Kumar, Senior Manager HRD Regional Manager, Central Bank of India, Allalpati, Darbhanga.
10. The Govt. of Bihar through the Secretary, Finance, Govt. of Bihar, Patna.
11. The Branch Manager, Central Bank of India, Dalsingsarai.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Uma Shankar Singh, Adv. Mr. Dilip Kumar Roy, Adv.
For the Respondent- UOI	:	Mr. Arvind Kumar Tewary, CGC
For the Respondent-Bank	:	Mr. Ajay Kumar Sinha, Adv.
For the Respondent-State	:	Mr. Niraj Kr. Sinha, AC to PAAG-2.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 13-09-2017

Counsel for the parties are present.

The petitioner prays for issuance of a writ in the nature of mandamus commanding the respondents to permit the petitioner to participate in the departmental written examination to be held by the respondent Bank for promotion from the subordinate cadre to the clerical cadre on the basis that the petitioner is an ex-serviceman from the Indian Army.

Prima-facie, in view of the statements made by the petitioner in paragraph 10 of the writ petition in which he submits that the written test



was already held on 7.8.2017 the relief has become academic.

Even on merits a counter affidavit is filed today on behalf of the Bank and Mr. Sinha, learned counsel appearing for the Bank in reference to the application of the petitioner filed for the selection process in question at Annexure R/4 has submitted that although the minimum qualification for participation in the said examination is 12th passed but the petitioner even while claiming that he has obtained Graduation certification from the Army has clearly mentioned against the educational qualification at serial no.7 that he is examinee of I.A. Part-II. Meaning thereby he is yet to clear the 12th examination. It is submitted that the Indian Army Graduation certification has been enclosed as an enclosure but in view of the admission of the petitioner at serial no.7 he could not have been permitted to participate and thus the situation.

Apart from the fact that the written test has already been held rendering the issue academic, in view of the position explained by the Bank in the counter affidavit it is for the petitioner to correct himself and be cautious in future examination.

The writ petition is disposed of.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15-09-2017
Transmission Date	NA

