

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.691 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 4740 of 2011**

=====

Umesh Pandit, Son of Late Ramrup Pandit, Resident of Chunapur Road, P.O.-
Madhubani, Town & District - Purnea, at present posted as the Deputy Manager,
State Bank of India, Regional Office-I, Purnea.

.... Appellant

Versus

1. The State Bank of India through its Chairman, Nariman Point, Mumbai.
2. The Chief General Manager, State Bank of India, Local Head Office, S.B.I.
Building, West Gandhi Maidan, Patna.
3. The Deputy Chief Manager (CB), State Bank of India, Local Head Office, S.B.I.
Building, West Gandhi Maidan, Patna.

.... Respondent/s

=====

Appearance:

For the Appellant/s : Mr. Anil Kumar Ojha, Sr. Advocate,
Mr. Pramod Mishra and
Mr. Prafull Chand Thakur, Advocates.

For the Respondents-Bank: Mr. Chittaranjan Sinha, Sr. Advocate and
Ms. Namrata Mishra, Advocate.

=====

**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 24-07-2017

The Writ Application of the appellant was dismissed vide
order dated 13.10.2014 when the learned Single Judge refused to
quash the order dated 31.07.2010 passed by the Chief General
Manager-cum-Appellate Authority refusing to grant promotion to the
Middle Management Grade Scale III with effect from 01.11.1999.

2. It has been a very long legal battle which this appellant
has been carrying on by moving the Jharkhand High Court twice and



then moving the Patna High Court again on the similar issue twice over. On none of the occasions the appellant has succeeded beyond an observation of the Courts that his case may be considered and a speaking order be passed. The last of the speaking order dated 31.07.2010 is the cause of action for the present round of litigation when the appellant filed CWJC No. 4740 of 2011.

3. Taking note of the various submissions made on behalf of the appellant, before the learned Single Judge, the learned Single Judge took note of the rigours which are laid down in the policy for promotion which has not been met by the appellant on any of the occasions. This is what the learned Single Judge has had to say in Paragraphs 16 and 17 of the impugned order which are reproduced hereunder:

“16. I find that the petitioner failed to qualify for interview both under old policy and the new policy. The petitioner under new policy appeared in the written examination but failed to get the qualifying marks. Under the old policy, the petitioner had not got the required 78% marks necessary for entering into the selection zone for interview and final selection. It is the further case of the respondents that the appellant has not highlighted any individual or standing achievement.”

“17. Nonetheless, in deference to the order of this Court, the appellate authority took interview of the petitioner



for making an over all assessment of his traits as per its policy. The expression 'traits' includes power of expression, social welfare, mental alertness, organizational awareness and general demeanour. The appellate authority did not find his performance up to the mark, and was not considered fit for promotion."

4. Despite failings of the appellant in reaching the yardstick and the benchmark he took the next line of attack by saying that whatever has been written about him in the speaking order by the Appellate Authority was out of malice or motive.

5. The learned Single Judge took note of the decision of the Hon'ble Apex Court in the case of **Sanchit Bansal & Anr. Vs. Joint Admission Board & Ors., (2012) 1 SCC 157**, where the learned Single Judge went by the principle that in matters of such decision making it is best left to the experts to decide rather than to go by the term 'substituted wisdom' of the Court.

6. The Court, therefore, refused to interfere with the speaking order passed by the Appellate Authority because the learned Single Judge did not find any infirmity in coming to the conclusion by the bank that despite best of opportunity made by the authorities to test the suitability of the appellant to shoulder higher responsibility he failed every time. Even in the personal interview given to the appellant, he failed to reach the benchmark, therefore, the learned



Single Judge refused to supplement his opinion over the opinion of the ‘Appellate Authority’.

7. We do not find that there is any merit in the appeal of the appellant. The reason for failure to beget promotion on the higher post is attributable to him. It is his performance or non-performance which became the cause and not for reason which is being attributed to the respondents bank.

8. Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25.07.2017
Transmission Date	N/A

