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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 539/2017**

**SONAL SAKET**

..... Petitioner

Through: **Mr. Talha Rahman, Proxy Counsel  
for Mr. M. Shoeb Alam, Adv.**

versus

**THE UNION OF INDIA & ORS**

..... Respondents

Through: **Mr. Anil Soni, Standing Counsel for  
R2.  
Mr. Jagat Arora, Adv. for R3 and R5.  
Mr. Palassh Singhal and Ms. Aerika  
Sing, Advs. for R4.**

**CORAM:**

**HON'BLE MR. JUSTICE V. KAMESWAR RAO**

**ORDER**

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**20.09.2017**

**W.P.(C) 539/2017**

1. The present petition has been filed by the petitioner with the following prayers:

*“In the aforesaid fact and circumstances it is most respectfully prayed that this Hon’ble Court may most graciously be pleased to:*

- a) *Issue a writ of declaration of mandamus or any other appropriate writ, order or direction under Article 226 of the Constitution declaring that the action of the Respondent No.3 Bank in not appointing the petitioner as a Probationary officer in the Junior Management Grade Scale-I in the 2016 batch is illegal, arbitrary and unconstitutional;*

- b) *Issue a writ of declaration or mandamus or any other appropriate writ, order or direction under Article 226 of the Constitution directing the Respondent No.3 Bank to appoint the petitioner as a Probationary Officer in the Junior Management Grade Scale-1 in the 2016 batch;*
- c) *Issue a writ of declaration or mandamus or any other appropriate writ, order or direction under Article 226 of the Constitution declaring and holding that the Petitioner who possesses the degree of B.E. (Hons.) in Computing and Multimedia from APIIT in collaboration with the Staffordshire University, UK fulfils the eligibility criteria as per the requirements of the Institute of Banking Personnel Selection (IBPS) advertisement for Bank P.O.; AND*
- d) *Issue a writ of declaration or mandamus or any other appropriate writ, order or direction under Article 226 of the Constitution directing the AICTE / Respondent no.2 to certify that it had granted extensions of approval to the Respondent No.4 Institute / APIIT to conduct the Bachelors in Computing and Multimedia (Hons.) in collaboration with the Staffordshire University for period 2007-2011;*
- e) *Issue a writ of declaration or mandamus or any other appropriate writ, order or direction under Article 226 of the Constitution directing the Union of India / Respondent No.1 to certify that the Staffordshire University is recognized by the Central Government;*
- f) *Pass any other or further orders that this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."*

2. It is the case of the petitioner that he being an Engineering Graduate, having secured a Degree of Bachelor in Engineering (Hons.) in Computing and Multimedia from the respondent no.4 / Institute, i.e., Asia Pacific

Institute for Information Technology, in the batch of 2007-2011, applied for the post of “Bank Probationary Officer” pursuant to an advertisement dated July 16, 2013 issued by the Institute of Banking Personnel. Being successful in the Selection Process, an offer of appointment for the post of Probationary Officer in the Junior Management Grade Scale-I was issued to the petitioner by the respondent no.3 / Bank, i.e., Oriental Bank of Commerce on April 6, 2016. In terms of the said letter, petitioner was advised to participate in the induction process at the office of respondent no.3 / Bank on April 24, 2016 and to produce the documents for verification and completion of other formalities.

3. It is the case of the petitioner that during the process of verification of documents, it was pointed out to the petitioner that there was a defect in the approval letter issued to the respondent no.4 / Institute. The petitioner was informed that the extension of approval letters issued by the AICTE to the respondent no.4 / Institute did not disclose the name of Staffordshire University. The petitioner was asked to submit more documents with regard to the extension of approval letters to the respondent no.4 / Institute. It appears same was only to ensure that the Degree obtained by the petitioner was approved by the AICTE. Suffice to state, the Bank had extended the time for the petitioner to report to it vide letter dated April 29, 2016. The said communication was followed by further letter of the Bank acceding to the request of the petitioner for extending the joining time as Probationary Officer, till July 7, 2016. The petitioner has initially filed a petition before the Patna High Court on June 8, 2016, which according to the Id. Counsel for the petitioner was dismissed on the ground of territorial jurisdiction. Later, he filed a writ petition under Article 32 of the Constitution of India

before the Supreme Court. The petitioner withdrew the petition with liberty to approach the High Court. Accordingly, the petitioner has filed this petition in this Court on January 17, 2017. As noted in the order dated August 28, 2017 in these proceedings that in terms of the affidavit filed by the AICTE and also contended by Mr. Anil Soni, learned Standing Counsel for the respondent /AICTE that at the relevant point of time, between 2005-2011, the Degree obtained by the petitioner was approved by the AICTE, Mr. Jagat Arora, learned counsel for the respondent nos. 3 and 5 sought time to take instructions from his clients. I may note here, the AICTE in their affidavit filed on July 06, 2017 has in paras 7 and 8 stated as under:-

*“7. It is submitted that Asia Pacific Institute of Information and Technology SD India, Panipat, Haryana was accorded approval in compliance with the direction of the Hon’ble High Court of Delhi on 17.05.2005 by Quality Assurance Bureau, AICTE for conducting B.E. (Hon.) computing, B.E. (Hon.) Computing in software Engg. Specialization and B.E. (Hon.) computing in Multimedia specialization. Institution was conducting the courses in collaboration with an approved foreign University namely Staffordshire University, United Kingdoms (U.K.).*

*8. It is submitted that extension of approval was granted upto Annual Years 2011-2011 by E&T Bureau, AICTE with a copy to Registrar. Further, extension of approval was granted upto Annual Year 2013-14 showing “Affiliating University” as “None”.*”

4. Mr. Jagat Arora, learned counsel for the respondent nos. 3 and 5 has

placed before me an e-mail received from the Bank in response to a communication sent by his Office on August 28, 2017, wherein according to him, the Bank has stated that the Bank is ready to consider the petitioner for employment subject to his joining within a reasonable period. It is contended by Mr. Arora that the appointment must be considered as a fresh appointment from the date, the petitioner joins the Bank. This submission of Mr. Arora is contested by learned counsel for the petitioner on the ground that petitioner having been issued an appointment letter on April 6, 2016 and he not being at fault and has been pursuing the legal remedy in different courts, the seniority of the petitioner must be protected, and should relate to the batch of 2016. He states, the petitioner shall not insist upon salary / financial benefits during the period when the petitioner could not join the Bank.

5. Noting the aforesaid submissions made by the learned counsel for the parties and also the fact that respondent no.3 Bank is ready to allow the petitioner to join the Bank, the submission made by the learned counsel for the petitioner is reasonable inasmuch as petitioner could not join the Bank as the validity of the Degree as obtained by him from respondent no.4 had to be clarified by the AICTE. The AICTE having clarified the said aspect, now, the petitioner cannot loose the seniority for no fault of his. The respondent no.3 Bank shall allow the petitioner to join the Bank within four weeks from today. As submitted by Mr. Arora, the petitioner shall report to DAD Department, Head Office, Oriental Bank of Commerce within the time stipulated above. It is clarified that the petitioner shall be treated as Probationary Officer in the Junior Management Grade, Scale-I of the 2016 Batch. He shall not be entitled to any financial benefits.

The petition is disposed of.

**CM No. 2457/2017 (for Stay)**

Dismissed as infructuous.

**V. KAMESWAR RAO, J**

**SEPTEMBER 20, 2017/jg**