

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

Date of Decision: November 16, 2017

+ W.P.(C) 10147/2017 & C.Ms. 41461-62/2017

PRASHAN PRANAV AND ORS. Petitioners

Through: Mr. Shiv Ram Singh &
Mr. Ashutosh, Advocates

Versus

UNION OF INDIA AND ORS. Respondents

Through: Mr. Rajesh Kumar & Ms. Krishna,
Advocates for respondent No.1- UOI
Mr. Anil Kumar Sangal, Mr. Siddharth Sangal
& Mr. Abhay Kumar Tayal, Advocates for
respondents No.1 & 2- SBI

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
ORAL

1. Petitioners who are ten in number, pursuant to online advertisement by respondent-State Bank of India issued on 6th February, 2017 for the post of Probationary Officers, had appeared in the online examination for the said post. The results of the preliminary examination were declared on 16th May, 2017.

2. According to petitioners, they had cleared the preliminary examination and they were called upon to participate in the main examination, which was descriptive one. The result of the main examination was declared on 24th October, 2017 and on 25th October, 2017, Score Cards of candidates were put on the website, from where petitioners claim to have learnt that respondents had not adopted the procedure of sectional cut off while preparing the merit list.

3. The grievance of petitioners put-forth is that one of the candidates had scored zero marks in one of the subjects but was still selected, whereas the candidates who had fared well in examination, have not been selected. It is also the case of petitioners that that they had sought online information on 27th October, 2017 under *The Right to Information Act, 2005* (RTI) and till date, they have not received any reply thereto. The online information sought by petitioners is as under:-

“1. What are the criterias that have been followed while allotting the marks in the interview. What were the parameters on which candidates were evaluated.

2. What are the minimum marks fixed for an interview that has been allocated to all the candidates.

3. Do interview and GD/GE panel at the LHO knew about the Mains exam marks.

4. Provide me with the mark sheet on which panel has given marks at the time of interview.

5. Can I have the marks of mains exam of all the shortlisted candidates.

6. *How come the SBI decided to do away with sectional cutoff when it is mentioned in the circular advertisement.”*

4. Upon hearing and on perusal of Advertisement (*Annexure P-2*), copy of Online RTI Request Form details (*Annexure P-8*) and the material on record, I find that unless the information sought by petitioner No.1 in application under RTI is divulged to petitioners, they will not be in a position to effectively lay a challenge to selection in question.

5. Learned counsel for contesting respondents No.2 & 3 submits that if any application under RTI has been received from petitioners, then it would be positively responded to within a week from today.

6. While taking on record the aforesaid undertaking, it is deemed appropriate to permit petitioners to make a concise Representation on the basis of reply to their RTI application to assail the selection in question.

7. Learned counsel for petitioners submits that within two weeks of receipt of information under RTI from respondents No.1 & 2, petitioners would make Representations before the Head of Central Recruitment and Promotion Department, Corporate Centre, Nariman Point, Mumbai.

8. If any such Representations are made by petitioners to Head of Central Recruitment and Promotion Department, Corporate Centre, Nariman Point, Mumbai, then it be duly considered and decided within two weeks by passing a speaking order. The fate of the Representation be communicated to petitioners within a week thereafter, so that petitioners

may avail of the remedy, as available in law, if need be. It is made clear that aforesaid directions be strictly adhered to by the parties in letter and spirit.

9. With aforesaid directions, the writ petition and application are disposed of.

DASTI to both the sides.

**SUNIL GAUR
(JUDGE)**

NOVEMBER 16, 2017

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