

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3464 of 2018

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1. Ajay Kumar, S/o Shri Chandra Shekhar Prasad Shekhar, R/o P.O. In Front of Fisheries Office, P.S. Tejpur Road, District-Samastipur.
 2. Rohit Kumar alias Rohit Kumar Gautam, S/o Shri Harish Chandra Gautam, R/o BY L 92, P.O. Barra 2, P.S. Kanpur Nagar, Uttar Pradesh-208027.

... .. Petitioners

Versus

1. Bihar Gramin Bank, through its Chairman, having its Office at Gramin Bank Chowk, North HFC Gate, N.H. 31, P.O. BU Nagar, District- Begusarai.
2. Chairman, Bihar Gramin Bank, Begusarai (Bihar).
3. General Manager, Bihar Gramin Bank, Begusarai (Bihar).
4. Institute of Banking Personnel Selection, through its authorized representative at Mumbai (Maharashtra).

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Sinha, Advocate Mr. Sanchay Shrivastava, Advocate Mr. Ravi Prakash, Advocate
For the Bank	:	Mr. Ranjeet Kumar Pandey, Advocate
For I.B.P.S.	:	Mr. Sunil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date : 26-10-2018

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

2. In this case, the petitioners are claiming that they have wrongly been deprived of joining the post advertised by the Bihar Gramin Bank through the Institute of Banking of Personnel Selection (for short “IBPS”) and the IBPS has conducted the examination as the Bank required Marketing



Officer. The essential qualification was fixed MBA in Marketing from recognized university and having experience of one year. Against the said advertisement, the petitioners have also applied for the post of Marketing Officer, successfully crossed the written examination as well as the interview. At the time of joining, his testimonies were examined and *prima facie* the Bank found that they are not holding the required qualification as per the advertisement.

3. The matter was referred to the IBPS and the IBPS examined the matter and recorded its finding that the qualification which has been specified in the advertisement, the petitioners do not possess the same and on that ground the petitioners having been denied of joining.

4. Learned counsel for the petitioners tried his best to impress upon this Court that they have also done MBA in Marketing, as the course of study, consists and comprises of Marketing as well as other subjects and has also drawn the attention of this Court to the certificate issued by the Head of the Department.

5. On reading on the said certificate, it appears that the petitioner no.1 has done MBA in International Business and



while completing the same he has also studied three marketing papers and similarly petitioner no.2 has also studied three marketing papers, but the certificates itself show that they have not done the MBA in marketing rather while doing their respective MBA in different stream they might have studied some papers in the marketing as like, if a person is a specialist in orthopedic and while doing the MBBS he has also studied the Medical Science on different part of the body and if an advertisement has come for the appointment of Eye Specialist, he cannot be appointed on that post. In the present case situation is the same, the petitioners might have studied some papers of Marketing in MBA but does not mean that they have done MBA in marketing.

6. In such view of the matter, this Court does not find any merit in this writ petition. Accordingly, the same is dismissed.

(Shivaji Pandey, J)

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AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
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