

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4367 of 2018

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Mukund Kumar, Son of Sri Hari Shankar Prasad Thakur, Resident of House No. J-14, Chitragupta Nagar, Police Station- Patrakar Nagar, Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Finance Banking Division, New Delhi.
2. The Chairman Institute of Banking Personnel Selection, IBPS house, 90 feet, D.P. Road, Near Thakur Polytechnic, off Western Express, Highway, Kandivali East Mumbai.
3. Bank of India having its head office at Bank of India Star House C-5, 'G' Block, Bandra Kurla Complex, (Bandra East) Mumbai.
4. The Chairman, Bank of India, Mumbai.
5. The Zonal Manager, Bank of India, Muzaffarpur Zone, Zonal Office, Pankaj Market, Muzaffarpur, Bihar.
6. The Deputy Zonal Manager Bank of India, Muzaffarpur zone Zonal Office, Pankaj Market, Muzaffarpur, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dr. Ratan Kumar, Adv. Mr. Mukesh Kumar, Adv.
For the IBPS	:	Mr. Siddhartha Prasad, Adv. Mr. Sunit Kumar, Adv.
For the Union of India	:	Mr. S.D Sanjay (Addl. Soc. Gen.)
For the Bank	:	Mr. Praveen Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date : 05-12-2018

Heard learned counsel for the parties.

It is very unfortunate that one of the Nationalized Bank is not allowing an Ex-Serviceman to join the post when he has already succeeded in the examination conducted for selection of the Clerk in the Bank.

The petitioner is an ex-serviceman, has applied for the post against the advertisement published by the Institute of



Banking Personnel Selection (I.B.P.S.) and there the petitioner has succeeded but, he has been deprived of joining on ground that he has not satisfied the condition mentioned in Clause (iii) of Clause (iv) which stipulates as herunder:-

“(iii) Candidates who are still in the Armed Forces and desirous of applying under Ex-Servicemen category whose date of completion of specific period of engagement (SPE) is completed one year from the last date for receipt of online application i.e. on or before 11.09.2017 are eligible to apply.”

In course of argument, learned counsel for the Bank has submitted that he has not produced the proforma-D before the authority concerned but, learned counsel for the petitioner has drawn attention of this Court towards the proforma-D issued by the Commander, SSO (Admin.) for Commodore which speaks that he has already completed the initial engagement of 20 years on and before 31st August, 2017 and is on extended assignment till September, 2017. This plea has been taken in view of the condition attached in sub-clause (iii) of Clause (vii) which also reads as follows:-

“(iii) Those candidates who have completed their initial period of assignment and who are on extended assignment are required to submit the certificate as per Poforma D”.

Thereafter, the letter dated 11.8.2017 was issued (Annexure-8) wherein it has been stipulated as follows:-



“12. It is also pertinent to mention that it will be highly beneficial to the bank if the employee is motivated and understands that the organization is supportive when it mattered. Having known him closely, the bank will certainly benefit by absorbing him in your team and he will be able to perform much better if he remains motivated from the first day itself.

13. In view of the above, it is requested that Mukund Kumar, CHEAA (R), may be allowed to join your prestigious bank by 01 Oct 2017, so that he can complete his discharge formalities and received the financial benefits in time.”

Thereafter, he has made a prayer to allow him to join vide letter dated 11.9.2017, in the said letter, it has been mentioned that the petitioner would be released on 30th September. So the petitioner has made a prayer to allow him to join after 30th of September which has been rejected and has not been allowed to join the post.

It is unfortunate that though the condition which has been attached for recruitment is satisfied by the petitioner, has also successfully crossed all levels of hurdle of recruitment, after verification of all the testimonials issued by the Naval Commander, he has been recommended for his recruitment. In such circumstances, rejection of request of extension for 20 days to join the Bank is unfortunate and unacceptable to this Court but, they could have easily granted extension of 20 days but, the



impugned order has been passed compelling the petitioner to approach this Court which is nothing but, wasting the public money by generating unnecessary litigations which could have been avoided by the Bank authority.

In that view of the matter, the letter dated 30.08.2017 is quashed with a direction to the Bank of India to allow the petitioner to join the post subject to a condition the petitioner produces all the testimonies including clear-cut release order from the Indian Navy without any hindrance.

In the result, this writ application stands allowed to the extent indicated above.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.12.2018
Transmission Date	

