

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3809 OF 2018

Pradeep Gopinathrao Ghule .. Petitioner

Versus

The Reserve Bank of India and another .. Respondents

Shri. S. S. Thombre, Advocate for Petitioner.

Shri. S. V. Adwant, Advocate for Respondent Nos. 1 and 2.

**CORAM : S.V. GANGAPURWALA AND
SUNIL K. KOTWAL, JJ.**

DATED : 24th July, 2018

PER COURT:

. Mr. Thombre, the learned counsel for the petitioner submits that pursuant to the advertisement issued by the respondents, the petitioner applied for the post of Assistant. The petitioner had appeared for the Preliminary and Main examination and had cleared the same. The Language Proficiency Test (for short "L.P.T.") is also prescribed. The learned counsel further submits that, as per the schedule given, the date was not notified in the original schedule for the conduct of Language

Proficiency Test. The date was to be notified subsequently. The learned counsel submits that at no material point of time the petitioner received any communication from the respondents about the date of LPT. The petitioner subsequently got the knowledge that other candidates who were short listed were called for LPT on 18.02.2018. Immediately the petitioner sent E-mail to the respondents representing that he has not received the communication regarding the date of the conduct of LPT. The learned counsel submits that the petitioner did not receive any response as such has filed the present writ petition. According to the learned counsel, the petitioner is a Maharashtrian and he is proficient in Marathi language. One of the requirement is the candidate should proficient in regional language.

02. The learned counsel further submits that it is not fault of the petitioner for not attending the LPT. It is because of lack of communication from the respondent, the petitioner could not appear. The petitioner has been preparing for all these years for the said examination. The learned counsel submits that the respondents were duty bound to issue individual intimation to the petitioner to present himself for the LPT. The learned counsel relies on the judgment of learned Single Judge of the Madras High Court in a case of **A. Pavithra**

vs. Commissioner of Customs, Chennai-VIII reported in **2017 (349)**

ELT 434. The learned counsel further submits that respondent being public body, is expected that it would act fairly. The learned counsel also relies on the judgment of the Apex Court in a case of **Food Corporation of India vs. Kamdhenu Cattle Feed Industries reported in (1993) 1 SCC 71.** The learned counsel further submits that for other posts, the LPT is yet to be held. The petitioner be allowed to participate in LPT. The respondents would not be prejudiced, nor any loss would be caused to the respondents.

3. Mr. Adwant, learned counsel for respondents submits that on 12.02.2018 by E-mail each and every candidate was communicated that the LPT would be held on 18.02.2018. All communications were made through E-mail. None of the candidates have at any point of time made a grievance about non receipt of communication. The LPT test is held on 18.02.2018 and the result is declared on 15.03.2018. The committee was constituted to conduct the LPT for the post of Assistant, and the LPT test of all the candidates for the post of Assistant has been conducted and the results have been declared on 15.03.2018.

4. We have considered the submissions canvassed by the learned

counsel for the respective parties.

5. There can not be any debate with the proposition that respondent being a public body has to act fairly. It would appear that all the communications are made by the respondents through E-mail. The petitioner also accepts that the communications for preliminary examination and on-line main examination, so also, intimation for recruitment was received by the petitioner in his E-mail inbox. The respondents have placed on record the intimation given about the LPT to all the candidates. The name of the petitioner also appears in the same.

6. The communication is issued on 12.02.2018 intimating that LPT would be held on 18.02.2018. It has been placed on record that the LPT has been conducted on the said date and the result has been declared on 15.03.2018 of all the candidates who attended the LPT. The entire process for selection for the post of Assistant has been conducted till the stage of the preparation of the select list. The final select list is only to be declared.

7. We would have considered the case of the petitioner had process of LPT in vogue, however, even the result of LPT for the post of Assistant has been declared on 15.03.2018. The petition has been filed on or about

11th April, 2018, that is even after declaration of result of LPT. It would not be possible to put the clock back. If we interfere at this stage, it would tantamount the re-scheduling the stages of selection. The same would not be permissible.

8. Considering the above, it would not be possible to accept the contention of the petitioner. Writ petition as such is disposed of. No costs.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]

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