

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.08.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

WP.Nos.1938 to 1941 of 2017
and WMP.Nos.1932 to 1935 of 2017

Aishwarya.K.C

..Petitioner in WP.No.1938 of 2017

Charles Raj Paul

..Petitioner in WP.No.1939 of 2017

M.Siva Subramanian

..Petitioner in WP.No.1940 of 2017

K.Arunkumar

..Petitioner in WP.No.1941 of 2017

vs

1.The Government of India,
rep.by its Principal Secretary,
Finance Department,
New Delhi.

2.The Institute of Banking Personnel Selection,
Rep.by its Director,
IBPS House, 90 Feet, D.P.Road,
near Thakur Polytechnic,
Off.Western Express Highway,
Post Box No.8587,
Kandivali (E), Mumbai-400 101.

3.The Pallavan Grama Bank,
Rep,by its General Manager,
No.6, Yercaud Road,
Hasthampatti, Salem 636 007.

4.The Pandian Grama Bank,
Rep.by its General Manager,
2-70-1, Collectorate Complex,
Administrative Office,
Virudhunagar 626 002.

5.The Pudukkottai Grama Bharathiar Bank,
Rep.by its General Manager,
No.441, Mahatma Gandhi Road,
Muthialpet, Puducherry-605 003.

..Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India petitioner prayed that this Court may be pleased to issue a writ of Mandamus directing the respondents herein to fill up all the vacancies notified under the selection process for Regional Rural banks RRB CWE IV to the post of office Assistants (Multi-purpose) by operating the reserve list as requested by the respondent banks 3 to 5 and accordingly allot the petitioners for appointment to any of the respondents Bank 3 to 5 depending upon the rank of the petitioners.

For Petitioner in all WP.s : Mr.P.Nethaji
in all cases

For Respondents in all WP.s : Ms.G.Hema
in all cases
Central Government Standing Counsel
for R1

Mr.Anand Gopalan
for M/s.T.S.Gopalan for R2 to R4

No appearance for R5

COMMON ORDER

The relief sought for in these writ petitions is for a direction to direct the respondents to fill up all the vacancies invited in the selection process of Regional Rural banks RRB CWE IV to the post of office Assistants (Multi-purpose) by operating the reserve list as requested by the respondent banks 3 to 5 and accordingly allot the petitioners for appointment to any of the respondents Bank 3 to 5 depending upon the rank of the petitioners.

2. The learned counsel appearing for the petitioners made a submission that the writ petitioners had participated in the process of selection for recruitment to the post of Office Assistants [Multipurpose] during the year 2015. The grievance of the writ petitioners is that their names were included in the reserve list prepared by the authorities. However, the reserve list has not been operated in spite of the fact that the vacancies were available. In fact the backlog vacancies were also available. Thus, the vacancies are not filled by the authorities competent by releasing the reserve list and

therefore, the writ petitioners are deprived from getting appointment to the post of Office Assistant (Multipurpose).

3. The learned counsel appearing for the respondents opposed the contention by stating that the terms and conditions issued along with the notification categorically enumerates that the reserve list will not guarantee provisional allotment / recruitment by the RRB. The release of the reserve list is the administrative decision and the candidates who participated in the selection process cannot claim that the reserve list must be operated so as to appoint the candidates in the present vacancies. The reserve list had been not operated on certain administrative reasons. Therefore the writ petitioners were not appointed and the mere claim set out in the writ petition is untenable.

4. This Court is of an opinion that appointment can never be claimed as a matter of right. The candidates who have participated in the process of selection cannot claim that the reserve list must be operated. The process of selection could be challenged, if there is any malpractice or irregularities or illegalities or corrupt activities. If any other person below in the rank in the reserve list is appointed, then alone the writ petitioners will get right to claim appointment and not otherwise. Even the selected candidates cannot claim any right for appointment. Only in the event of issuing an order of appointment, the candidates will get right to claim posts. Mere selection will not confer any legal right, when there is no allegation of malpractice or corrupt activities or illegalities. This Court cannot grant direction to the respondents to release the reserve list. These are all the administrative prerogative of the competent authorities and a decision had been taken not to release the reserve list based on some administrative reasons and the same cannot be questioned. This Court cannot exercise the power of judicial review so as to issue direction to release the reserve list and appoint the petitioners. The writ petitioners have to establish their legal right for issuance of such a direction.

5. In the present case on hand, except the fact that the vacancies were available, the writ petitioners have not made out any other acceptable ground so as to consider the relief as such sought for in the present writ petitions. Mere availability of vacancies or inclusion of the names of the candidates in the reserve list will not confer any legal right for seeking appointment. This being the principles to be followed, there is no illegality in the process of selection. Accordingly, the writ petitioners have not made out any reasonable ground for grant of relief.

6. The writ petition stands dismissed with the above observation. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

- 1.The Principal Secretary,
Finance Department,
New Delhi.
- 2.The Director,
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+1cc to Mr.P.Nethaji, Advocate, S.R.No.55828

+1cc to Mr.T.S.Gopalan & CO, Advocate, S.R.No.55574

WP.Nos.1938 to 1941 of 2017

BR(CO)
GSP(14/09/2018)