

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.28602 OF 2018

Dated:14.08.2018

Between:

A. Venkata Subbaiah, S/o. A. Subba Rayudu,
Age 39 years, Occ: Ex-serviceman,
R/o.H.No.5-118, Kota Street, Padakandla
Village, Allagadda Mandal, Kurnool
District, Andhra Pradesh and another .. Petitioners

And

Union of India, rep., by its Secretary,
Department of Financial Services,
Ministry of Finance, 3rd Floor,
Jeevan Deep Building, Sansad Marg,
New Delhi and another .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.28602 OF 2018****ORDER:**

Heard.

2. Petitioners participated in the recruitment process conducted by the Institute of Banking Personnel Selection to recruit eligible persons for clerical cadre in various scheduled banks pursuant to the notification issued on 09.08.2014 as Ex-servicemen. According to petitioners, several candidates, who were selected, did not join and those vacancies remained unfilled and if the 2nd respondent - Institute would have kept a wait list and forwarded the same to the respective banks, the non-joined vacancies would have been filled up. Alleging inaction of the 2nd respondent – Institute in not keeping the wait list, this Writ Petition is filed.

3. According to learned counsel for the petitioners, as per the information furnished by the respective banks, several vacancies were not filled up or left vacant and the selected candidates did not join.

4. The fact remains that the recruitment notification was issued on 09.08.2014 and selections were finalized in the year 2015 and thereafter petitioners sought direction to prepare a wait list for filling up the vacancies, which remained unfilled or vacant due to non-joining of the selected candidates.

5. Learned counsel for the petitioners submits that even according to the recruitment notification, a wait list was required

to be kept and if only wait list is kept in this manner and banks have complied with the requirements of recruitment notification, the unfilled vacancies/seats vacated on account of non-joining would have been offered to other candidates who have participated in the selections. To appreciate this contention, it is appropriate to note the relevant Clause F of the recruitment notification. It reads as under:

“... Issuance of offer of appointment including terms and conditions, formalities for verification, joining etc. is solely the decision of the Participating Organizations and shall be final and binding. IPBS shall have no role therein. Any queries in this regard shall be directed to the participating organizations only. A reserve list to the extent of approximately 10 percent of the vacancies under each category may be kept, subject to the availability of candidates. This does not guarantee provisional allotment to/recruitment by the Participating Organization(s)/other financial organizations. In the event of Participating Organizations/other financial organizations providing further vacancies during April 2015 – March 2016, provisional allotment will be carried out for the candidates in the reserve list. However, if no vacancy is furnished by the Participating Organizations/other financial organizations owing to exigencies or otherwise during the validity period the candidates under the reserve list will not be considered for provisional allotment. The reserve list will expire automatically on 31.03.2016 without any notice. Candidates who are not provisionally allotted or not in the reserve list will not be considered for any further process under CWE Clerks – IV for vacancies for 2015-16.”

6. A bear reading of Clause F of the recruitment notification would show that approximately 10% of the vacancies under each category may be kept, subject to the availability of candidates and in the event of the Management notifies any additional vacancies, the said reserve list can be utilized. However, notification itself

imposes limit upto 31.03.2016 and thereafter the reserve list expires.

7. Learned counsel for the petitioners does not dispute that no further indent was placed before the 2nd respondent – Institute and as to why indent was not placed is not known and the individual banks are not made parties to the Writ Petition. However, even according to the above extracted paragraph, the maximum period for which the reserve list can be kept is only till 31.03.2016. After 2½ years of the cut off date, no direction as sought for by the petitioners can be granted. The Writ Petition merits no consideration.

8. The Writ Petition is accordingly dismissed. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

Date:14.08.2018

KH

P. NAVEEN RAO, J

