

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5267 of 2019

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Ajay Kumar, Son of Ambika Prasad Mandal, resident of Village- Laukha,
P.O.- Laukhha, P.S.- Supaul, District- Supaul.

... .. Petitioner/s

Versus

1. The Chairman and Managing Director, Punjab National Bank Bhikhaiji Cama Place, New Delhi- 110066.
2. Human Resource Development (HRD) Head, Punjab National Bank, G.M. Road, Darbhanga.
3. The Chief Manager, HRD Department, G.M. Road, Darbhanga- 846004.
4. The Branch Manager, Laukaha Branch, Punjab National Bank, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bidhanesh Mishra, Advocate
For the Respondent/s : Mr. Kumar Priya Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 08-04-2019

Heard counsel for the parties.

2. The petitioner has come before this Court seeking a direction to the respondent Punjab National Bank to consider his case for being appointed as Part Time Sweeper.

3. Mr. Bidhanesh Mishra, learned advocate for the petitioner submits that the petitioner had been working on the post of Part Time Sweeper, which is not a temporary post but a post with such name, for the last five years to the satisfaction of all. Later, an advertisement was issued for appointment of Part Time Sweepers against which the petitioner also applied and participated but could not succeed. Mr. Mishra, learned



advocate has submitted that the only test which the candidates were subjected to was their proficiency in regional language while writing and reading. He, therefore, submits that since the petitioner had been working to the satisfaction of his employer for the last five years, it presupposes that he had the necessary qualification viz. the ability to write, read and understand the communication made to him.

4. In any view of the matter, since a test has been conducted in which some of the candidates have become successful and who have been appointed on the vacant post of Part Time Sweepers, the petitioner does not have any right to claim his appointment on the said post merely because in the past he had served as Part Time Sweeper.

5. Nonetheless, on seeing an order passed by a co-ordinate bench of this Court which has allowed a petition vide order dated 01.05.2018 passed in C.W.J.C. No. 17761 of 2017 a similarly circumstanced person, the petitioner also is directed to make a representation before the Punjab National Bank for consideration of his case. This Court deems it appropriate, keeping in mind that the petitioner be also treated equally as that the employee who had approached this Court earlier, to grant



him the liberty to approach the good conscience of the Punjab National Bank for the needful.

6. It is clarified that this Court has passed no positive direction and has left the matter totally to the good conscience of the employer/Punjab National Bank and in case the petitioner is not successful in getting any relief, that would not give any cause of action to him in future before this Court.

7. With the aforesaid direction/observation, the writ petition is disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
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