

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL WRIT No.11305 of 2014

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Neeraj Prasad, son of Shri R.B.Prasad, C/o Rajwendra Prasad, Ward No. 15,
Anandpur, PS Sonpur, Saran (Bihar)

... .. Petitioner

Versus

1. The Reserve Bank Of India, New Delhi
2. The Reserve Bank of India, Gandhi Maidan, Patna
3. The Chief Manager, Industrial Development Bank of India (IDBI) Bank Limited, IDBI Tower, WTC Complex Cuff Parade, Mumbai 400005
4. The Industrial Development Bank of India Ltd. 44, Shakespeare Sarani, Kolkatta 700017

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Sinha Mr. Shyam Sunder Pandey
For the RBI	:	Mr. Kaushal Kumar Jha
For IDBI Bank	:	Mr. Harshvardhan Sahay

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

7 26-02-2019 I.A. No. 3663 of 2015 has been filed praying for being arrayed as respondent in the writ petition in opposition of the same by respondent Bank through Assistant General Manager since the relief in the writ petition is claimed against the intervener respondent Bank.

The Interlocutory Application for being impleaded as intervener is not contested in so far as intervention is concerned. I.A. No. 3663 for intervention is allowed and the respondent Bank is permitted to contest the writ petition.

Pursuant to the Interlocutory Application the petitioner has also filed a supplementary affidavit raising a



grievance that the result of the interview of the petitioner conducted on 8.5.2009 has not been disclosed in the pleadings filed on behalf of the Bank.

The brief background is that the petitioner had participated in a selection process for appointment of Assistant Manager Grade A in the respondent Bank. The writ petition was filed in the year 2014 alleging that five years prior thereto the petitioner had participated in the interview conducted at Kolkata on 4.5.2009 and that his candidature was not being considered by the authorities.

In the Intervention petition, the respondents have taken a stand in para 9 that the petitioner was absent on 4.5.2009 at the Kolkata centre. His interview was thereafter rescheduled on 8.5.2009. The petitioner appeared on 8.5.2009 and he secured 40 marks only. It is the submission of the respondent Bank that the qualifying mark fixed for candidates under SC/ST/OBC category was 45. Since the petitioner had not obtained qualifying marks, therefore, the petitioner was not worthy of the appointment and no direction could be issued in his favour.

Referring to the averments made in the Intervention Application, it is submitted by Counsel appearing for the



petitioner that the averments made in para 9 of the Intervention Application are not supported by any document and that the respondents be directed to place the entire records of the recruitment process. It is asserted that if the marks obtained by the petitioner at the interview dated 8.5.2009 were taken into consideration the result would have been different.

This Court has examined the result of the interview (Annexure D of the Intervention Petition) filed by the respondent Bank. Petitioner's name is on last page of the result at serial no. 254. His marks have been shown to be 40 in the said result. The apprehension raised by the petitioner's Counsel that the same is the marks obtained by the petitioner on 4.5.2009 and that marks obtained by the petitioner on 8.5.2009 have not been taken into consideration, appears to be misplaced from bare perusal of the said result. The result is dated 8.5.2009 i.e. rescheduled date of the petitioner's interview. The respondents in the result have marked # next to the petitioner's name. # has been explained at the bottom of page 27, wherein it has been clarified as follows:-

“# Original date of his interview was 4.5.09.”

So only original date has been mentioned, when the fact is clear that the result is dated 8.5.2009. As such the



apprehension of the petitioner that marks obtained on 8.5.2009 have not been taken into consideration therefore is clearly misplaced.

Apart from that this Court would observe that having obtained lesser marks than qualifying marks in the interview conducted in 2009, the writ petition was filed in the year 2014, five years thereafter. Counsel for the petitioner submits that prior to filing the writ petition he had made a representation. This Court is of the opinion that merely by filing a representation in the matter of selection the petitioner cannot be permitted to approach the Court after five years of result. Other than that the respondents have come out with the fact that the result of the petitioner is inferior in merit than the qualifying marks.

In the circumstances no direction can be issued for appointment of the petitioner.

The writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

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