

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6950 of 2015

Shiv Jay Kumar

... .. Petitioner/s

Versus

Allahabad Bank And Ors

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No-2
For the Respondent/s : Mr.Binod Kumar Jha

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 30-04-2019 Heard counsel for the petitioner and counsel for the corporation.

Petitioner has participated in the selection process for appointment of sweeper in the respondent Bank. He has challenged the selection of respondent no. 4 alleging that petitioner is the better candidate having regard to the fact that petitioner was residing nearer to the Bank whereas Respondent No. 4 was residing at a distance of 70 K.M approximately from the Bank. Such statement has been made placing reliance on clause 6 of the advertisement which provides for giving preference to residents of the area of the branch.

The fact that Respondent No. 4 was residing at a distance of 70 K.M from the Bank cannot be made the basis of subjecting his selection to challenge. There is no hard and fast rule required for candidates to be resident close to the Bank



branch. Clause-6 gives only a preference to those who were residing near the Bank. Also petitioner had submitted application with educational qualification of class-X. However, advertisement clearly stipulates that there was no minimum qualification fixed and maximum qualification was prescribed that applicant should not be class-X. Such requirement appears in furtherance of the duties required to be performed whereas Bank did not want more qualified person. Since selection was being done for sweeper, the Advertisement itself barred candidate having class X qualification, such as the petitioner.

Challenge of appointment of Respondent No. 4 is not sustainable in the eye of law.

Writ Petition is devoid of merit and same is dismissed.

(Madhuresh Prasad, J)

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