



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) Nos.13393 of 2014
and M.P. (MD) Nos. 1 and 2 of 2014

Dr.D.Vimala Parasakthi

... Petitioner

-Vs-

1.State Bank of India
Rep. by its Chairman,
Corporate Centre,
State Bank Bhavan,
Madame Cama Road,
Mumbai - 21.

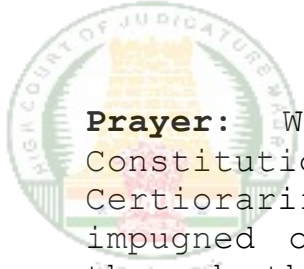
2.The General Manager,
Central Recruitment and Promotion Department,
State Bank of India,
Corporate Centre,
Madame Cama Road,
Mumbai - 21.

3.The Chief General Manager,
State Bank of India,
Chennai Circle,
Circle Top House,
16, College Lane,
Chennai - 6.

4.The Assistant General Manager (HR),
State Bank of India,
Local Head Office,
16, College Lane,
Chennai - 6.

5.The Deputy General Manager (BO),
State Bank of India,
HR Section, Network 2.Administrative Unit,
Madurai Cluster,
Maduram Complex,
2, Dr.Ambedkar Road,
Madurai 2.

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 21.07.2014 of the third respondent served through the fourth respondent's office reference to HR/LAW 1052, quash the same and direct the respondents to appoint the petitioner to the post of permanent part time medical officer at 5th respondent's Bank.

For Petitioner : Mr.D.Malaichamy
For Respondents : Mr.S.Sethuraman

O R D E R

The order of rejection rejecting the claim of the writ petitioner for permanent absorption as the Medical Officer in the State Bank of India is under challenge in the present writ petition.

2.The impugned order dated 21.07.2014 states that the writ petitioner was engaged as Part Time Medical Officer on contract basis. The Central Recruitment and Promotion Department Corporate Centre, Mumbai, invited applications for 41 posts of Permanent Part Time Medical Officer all over the country on 03.06.2011. The age limit was fixed as 35 years and in fact, the writ petitioner during the relevant point of time when the notification was issued had reached the age of 41 years. This apart, the writ petitioner made a representation to the bank during the year 2009-2010. The said representation for relaxation of age limit was forwarded and the Head Office had not considered the same and accordingly, the claim of the writ petitioner was rejected.

3. This Court is of the considered opinion that the writ petitioner was engaged as a part time medical officer on contract basis and on consolidated pay. The order of appointment which is enclosed in page No.3 of the typed set of papers reveals that the writ petitioner was engaged as medical officer on her application on contract basis for consolidated salary of Rs.4000/- per month. The writ petitioner continued only as a temporary part time medical officer on consolidated salary and therefore, she is not entitled to seek regularisation or permanent absorption for the post of medical officer.

4. The post of permanent medical officer is to be filled up only through open competitive process and by following the recruitment rules. All appointments are to be made strictly in accordance with Rules. The competent authority while undertaking the process of selection should ensure that equal opportunities are provided to all the eligible candidates to participate in the process of selection. This being the basic principles to be

followed, the claim of the writ petitioner that she served as a contract medical officer on consolidated pay and therefore, she must be absorbed as medical officer in State Bank of India, cannot be accepted.

5. In respect of grant of relaxation and permanent absorption the legal principles are settled by the Hon'ble Supreme Court of India in **Secretary, State of karnataka and others Vs. Umadevi ad others 2006(4) SCC page 1.**

6. Thus, recruitment cannot be made in violation of Rules in force. Back door entries are impermissible. A person appointed on contract basis as part time medical officer cannot claim permanent absorption in the regular establishment in sanctioned posts. This being the legal principle, the claim of the writ petitioner deserves no merit consideration.

7. In the result, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (A.E)

// True Copy //

Sub Assistant Registrar(CS)

+1 CC to Mr.D.MALAICHAMY, Advocate SR-73883.

+1 CC to Mr.S.SETHURAMAN, Advocate SR-74123.

W.P. (MD) Nos.13393 of 2014
and M.P. (MD) No. 2 of 2014
05.07.2019

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