

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP NO. 2883 of 2016(O&M)
DATE OF DECISION : 09.12.2019

Veenu Rani

... Petitioner

versus

UCO Bank & Ors.

... Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. R.S. Mamli, Advocate
for the petitioner.

Mr. Shekhar Verma, Advocate
for respondents No.1 and 2.

Mr. Aayush Gupta, Advocate and
Mr. Prettek Singla, Advocate
for respondent No.3.

ARUN MONGA, J. (ORAL)

1. Petitioner herein is, *inter alia*, seeking issuance of a writ in the nature of *mandamus* directing the respondents to consider her candidature for being appointed as Probationary Officer in the United Commercial Bank (UCO Bank) against the posts lying vacant in the general category by issuing third list.

2. Case of petitioner is that pursuant to advertisement issued in 2011, the respondent Bank had given appointment to the candidates, on the post of Probationary Officers, who secured 225 marks as per merit, in two slots. Petitioner's name would also figure in merit if the Bank issues third

list of the candidates as she had secured 224.25 marks. Instead acceding to the genuine demand of the petitioner, the respondent UCO Bank is insistent to call the candidates from the merit list of candidates who participated in the subsequent selection process undertaken in 2012.

3. In the return, apart from taking preliminary objections regarding maintainability of the petition against the respondent UCO Bank and issue of territorial jurisdiction, it has been averred that the petitioner unsuccessfully participated in the interview. The score card issued to the candidates was valid till 11.12.2012. The petitioner, thus, cannot claim consideration of her appointment as a matter of right.

4. Having perused the pleadings along with appended record and after hearing rival contentions of learned counsel for the petitioner, the conceded position that emerges is that petitioner had secured 224.25 marks as against the cut-off 225 prescribed for selection to the post of Probationary Officer in the respondent UCO Bank.

5. I am unable to persuade myself to accept the argument of learned counsel for the petitioner that respondents, in the interest of justice and equity, be directed to consider her for appointment by relaxing the requirement for and waiving the deficiency of 0.75 marks, as according to the information of petitioner, the last selected candidate was having 225 marks. However, in the interest of justice I deem it appropriate to dispose of the writ petition with an observation that in case any candidate is found to have been selected having marks equivalent to that of the petitioner or less, in that eventuality, candidature of the petitioner be also considered in accordance with her merit and she be accorded the benefit thereof by passing appropriate orders thereafter. With these observations, the writ

6. It is, however, made clear that filing of the present writ petition and dismissal thereof shall not come in the way of respondents No.1 and 2 to consider the candidature of the petitioner by way of issuing 3rd or 4th list, in case they intended to do so.

(ARUN MONGA)
JUDGE

1.	Whether speaking/ reasoned:	Yes/ No
2.	Whether reportable:	Yes/ No