



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.6021 of 2014

and

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

WEB COPY

R.Shedin Chandra

... Petitioner

-Vs-

1. The Chairman,
Institute of Banking,
Personnel Selection (IBPS)
IBPS House, 90 Feet D.P.Road,
Near Thakur Polytechnic,
Off Western Express Highways
P.B.No.8587, Kandavilli (East)
Mumbai 400 101.

2. The Regional Manager,
Regional Office, Indian Overseas Bank,
11.952, Cross Cut Road,
Gandhipuram, Coimbatore. 641 012.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned rejection order passed by the first respondent herein dated 01.04.2014 in his website for appointment of the petitioner in the post of Probationary Officer/Management Trainee III and quash the same and consequently direct the first respondent to appoint the petitioner as Probationary Officer/Management Trainee III on the basis of the marks secured by him in the written test and also on the basis of the document submitted including the O.B.C certificate issued by the competent authority.

For Petitioner : Mr.F.Deepak
For Respondents : Mr.K.M.Vijayakumar

ORDER

The relief sought for in the present writ petition is to quash the order of rejection passed by the first respondent in proceedings, dated 01.04.2014 in his website and direct the first respondent to appoint the writ petitioner as Probationary Officer/Management Trainee III on the basis of the marks secured by him in the written test.

2.It is brought to the notice of this Court that this Hon'ble Court passed an order in W.P.Nos.6147 to 6150 of 2014 "that the

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petitioners have to obtain the OBC certificates containing the non-creamy layer class issued by the period from 01.04.2013 to 31.03.2014. If the said certificate has not produced at the time of interview than certainly the petitioners cannot seek any later indulgence because having accepted the terms and conditions they have applied to the said post. Needless to say that the persons to participate in selection process after having accepted the terms and conditions of the selection cannot be challenge the said process subsequently".

3.In a similar case, the Hon'ble High Court of Judicature at Allahabad (Division Bench) also upheld the stand taken by the first respondent in a recent judgment vide Writ Petition-A.No.20547 of 2014, the Hon'ble High Court of Judicature at Allahabad opined that "in our opinion, a perusal of the aforesaid provisions leaves no room for doubt that there is no residency powers left with the respondents to grant any concession and it is for this reason that the impugned order categorically holds that the action taken and the interview held was contrary to the aforesaid notification".

4.In the present case, the case of the writ petitioner was not considered in view of the fact that the petitioner has not fulfilled the recruitment condition. This apart, the entire selection process stands concluded with declaration of list of provisionally allotted on 01.04.2014 and the name of the selected candidates were notified and therefore, the allegations levelled by the petitioner against the IBPS are misplaced.

5.This Court is of the considered opinion that, the writ petitioner has not established that, he has satisfied the condition stipulated by the employers/respondents and therefore, the relief as such sought for in the present writ petition cannot be granted.

6.Thus, the present Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (A.S)

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Sub Assistant Registrar(CS)

rmk

+1 CC to Mr.F.DEEPAK, Advocate SR-21205.

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