

CWP No.8458 of 2020

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.8458 of 2020
Date of Decision: 22.06.2020

Krishan Kumar

...Petitioner

Versus

Institute of Banking Personal Selection and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. S.K. Agnihotri, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

The case has been taken up for hearing through video conferencing.

Through this Civil Writ Petition under Articles 226/227 of the Constitution of India prayer has been made for issuance of writ in the nature of *certiorari* for quashing orders dated 19.05.2020 (Annexure P-3) and 10.06.2020 (Annexure P-6) passed by respondent No.1, whereby candidature of petitioner for online main examination for recruitment in clerical cadre in participating organisations 2020-21, has been cancelled.

Learned counsel *inter alia* contends that non-disclosure of mode of unfair means allegedly adopted by the petitioner, is in violation of principles of natural justice.

Having given thoughtful consideration to the submissions made by learned counsel for the petitioner, this Court finds that instant petition is completely devoid of any merit for the reasons to follow.

Applications for common recruitment process for recruitment of clerks in participating organisations (CRP Clerks-IX for Vacancies of 2020-21) were invited vide Annexure P-1 dated 12.09.2019. Any person, including petitioner, before applying for the aforesaid post, was bound to go through the general instructions enumerated in Annexure P-1.

Relevant instructions of the same are reproduced hereunder: -

“I. GENERAL INSTRUCTIONS

- (1) x x x x
- (2) x x x x
- (3) x x x x
- (4) A Candidate's admission to the Preliminary examination/ shortlisting for Main examination/ admission to the Main examination and subsequent processes is strictly provisional. The mere fact that the call letter(s)/ provisional allotment has been issued to the candidate does not imply that his/ her candidature has been finally cleared by IBPS/ Participating Organisation. IBPS/ Participating Organisations would be free to reject any application, at any stage of the process, cancel the candidature of the candidate in case it is detected at any stage that a candidate does not fulfill the eligibility norms and/or that he/she has furnished any incorrect/false information/certificate/documents or has suppressed any material fact(s). If candidature of any candidate is rejected for any reason according to the terms and conditions of this advertisement, no further representation in this regard will be entertained. Such decisions shall be final and binding on the candidate. If any of these shortcomings is/are detected after appointment in a Participating Organisation, his/her

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services are liable to be summarily terminated.

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|------------|--|---|---|----|
| (5) | x | x | x | x |
| (6) | x | x | x | x |
| (7) | x | x | x | x |
| (8) | x | x | x | x |
| (9) | x | x | x | x |
| (10) | x | x | x | x |
| (11) | x | x | x | x |
| (12) | <i>Any canvassing or creating influence for undue advantage shall lead to disqualification from the process.</i> | | | |
| (13) | <i>Any request for change of date, time and venue for online examination (Preliminary & Main) will not be entertained.</i> | | | |
| (14 to 26) | x | x | x | x” |

According to respondents, petitioner was found using unfair means. Petitioner through his representations/legal notices (Annexures P-4 and P-5) has sought clarification from the respondents as to on what basis his candidature has been rejected, which, as per general instructions reproduced above, respondents are not bound to furnish.

Dismissed.

June 22, 2020
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No