

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.152 of 2020

In
Civil Writ Jurisdiction Case No.703 of 2020

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Sandeep Kumar, Son of Dinesh Jha, resident of Village and P.O.- Pariharpur,
Ward No. 4, P.S.- Rajnagar, District- Madhubani.

... .. Appellant/s

Versus

1. Union of India through Secretary, Human Resources Department, Govt. of India, New Delhi.
2. The State of Bihar through the District Magistrate, Madhubani.
3. The Circle Officer, Rajnagar Anchal, District- Madhubani.
4. The Sub Divisional Officer, Rajnagar, District- Madhubani.
5. Institute of Banking Personnel Selection through Dakshin Bihar Gramin Bank, Sri Vishnu Commercial Complex, New Bye Pass, N.H.- 30, Asho Chak, Near Highway Petrol Pump, Patna.
6. The Director, Regional Rural Bank, Patna Zone, Patna.
7. Railway Recruitment Board, Mumbai.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Bhola Prasad No.1, Advocate
For the State	:	Mr. Prabhat Kumar Verma, AAG 3
		Mr. Sanjay Kumar Shosarvey, AC to AAG-3
For the Bank	:	Mr. M.N.Parbat, Sr. Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 17-03-2021

The short question which arises for consideration is as to whether midway a candidate can be allowed to change the category in the selection process for appointment to the post of Officers Scale-II undertaken by the Institute for Banking Personnel Selection (IBPS).



In terms of the advertisement issued by the Institute for Banking Personnel Selection (IBPS), applications for Online examinations for the Common Recruitment Process for selection as Group-A and Group-B Officers were invited. The advertisement itself stipulated the criteria for reservation for a candidate hailing from Economically Weaker Section (EWS). It stipulated a condition disallowing any request for change of category for the vacancy other than the one for which the candidate had applied.

Before us, it is not in dispute that the appellant applied under the reserved category, i.e. EWS. As per his own admission, as on the date of the interview, i.e. on 23rd November, 2019, he did not possess nor could he obtain and furnish the certificate indicating his eligibility as the candidate under the said reserved category. The Examiner or for that matter the perspective employer has nothing to do with the issuance of such eligibility certificate. The appellant had to obtain the same from the authority constituted by and under the State.

Undisputedly, the appellant did take steps for obtaining such certificate from the competent authority, i.e. the Circle Officer, Raj Nagar, Madhubani, but then same could not



be issued by the appropriate authority. From the record it cannot be inferred as to whether the said authority had not acted with promptitude or that there was any dereliction of duty on their part. Receipt issued by the office of the Circle Officer only indicated the tentative date by which the certificate could be issued. There was no commitment of issuance of such certificate by that date.

Having failed to obtain such certificate of eligibility, appellant could not have, contrary to the condition stipulated in the advertisement, allowed to change his category from EWS to unreserved/ general category.

It is in this backdrop, we do not find any infirmity with the impugned judgment dated 27.01.2020 rendered by the learned Single Judge dismissing the petition, being CWJC No.703 of 2020 titled as Sandeep Kumar Versus The Union of India & Ors, impugning the action of denying the appellant an opportunity of appearing in the interview for the purpose of selection of Officers- Grade-II. Mere appearing or qualifying in the written examination would not confer any right upon the appellant, seeking a mandamus for holding his interview.

No other point stands raised by learned counsel for the appellant.



For the aforesaid reasons, the Letters Patent Appeal
is dismissed.

Interlocutory Application, if any, shall stand
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

sujit/-

AFR/NAFR	
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