

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1841 of 2023

=====

Rita Devi Wife of Late Brij Kishore Singh Resident of Bichala Tola,
Bishunpura, P.S.- Chapra Muffasil, District- Saran at Chapra.

... .. Petitioner

Versus

1. The State Bank of India, The Managing Director,
2. The Chief General Manager, The State Bank of India, Human Resources Department, Local Head Office, 8th Floor, West Gandhi Maidan, Patna-01.
3. The Regional Manager, State Bank of India Chapra.
4. The Chief Manager, S.B.I. Chapra Main Branch, Chapra.

... .. Respondents

=====

Appearance :

For the Petitioner/s : Mr. Purushotam Sharma, Advocate

For the Respondent/s : Mr. Amish Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 10-05-2023 Heard learned counsel for the petitioner and learned
Counsel for the Bank.

This case was earlier heard on 12.04.2023 and after
hearing the parties, this Court passed the following order:-

“Heard learned counsel for the petitioner and
learned counsel for the Bank.

The petitioner in the present case is aggrieved
by and dissatisfied with the decision as
contained in the Circle Development Officer
Minute dated 11.08.2022 (Annexure ‘4’ to the
writ application) whereby and whereunder the
request of the petitioner for his appointment on
compassionate ground has been rejected saying
that he has crossed the upper age limit and no



relaxation may be granted in his case. Option has been given that other family member of the deceased, if found otherwise eligible in Clerk/Subordinate cadre may opt for appointment on compassionate ground.

Learned counsel for the petitioner submits that it is evident from Annexure '4' itself read with revised scheme contained in Annexure '2' that the appointment on compassionate ground is to be considered against Clerk/Subordinate cadre. In the case of the petitioner, there is no reason why his candidature cannot be considered for the Subordinate cadre in which there is no age bar.

Learned counsel has pointed out from a Letter dated 02.11.2022 (Annexure '7') that the candidature of Sri Deepak Kumar Singh (elder son of the petitioner) cannot be considered against Subordinate cadre. This stand of the Bank has been challenged as not based on any cogent reason.

Learned counsel for the Bank prays for and is granted three weeks' time to file counter affidavit.

Let this case be listed on 10.05.2023 under the same heading maintaining its position.



While responding to the stand of the petitioner, it will be open for the Bank to consider the case of the petitioner for appointment on compassionate ground in Subordinate cadre, if he is otherwise eligible.

List accordingly.”

Today, counter affidavit has been filed. It is stated in paragraph ‘11’ of the counter affidavit that the elder son of the petitioner applied for appointment on compassionate ground in clerical cadre, his application was processed in terms of Bank’s revised scheme for compassionate appointment but ultimately it was found that the son of the petitioner was born on 10.01.1988 and was aged about 33 years 4 months and 7 days as on the date of death of his father i.e. 17.05.2021. It stated that the upper age limit as per relevant recruitment policy for general category candidate is 28 years and with further maximum 5 years relaxation in upper age, A general category candidate of maximum 33 years age can be absorbed in the bank, under the compassionate appointment scheme. It is thus submitted that the son of the petitioner having crossed over 33 years of age was found ineligible for appointment on compassionate ground.

This Court having gone through the pleadings available on the record, finds no reason to interfere with the



impugned order. Admittedly the son of the petitioner who had applied for appointment on compassionate ground had crossed the upper age limit with relaxation on the date of death of the deceased bank employee. The scheme of the bank cannot be modified or amended by this court sitting in its writ jurisdiction. No illegality or infirmity has been found in the impugned order.

This writ application is dismissed.

(Rajeev Ranjan Prasad, J)

ravikr/-

U			
---	--	--	--

