

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1624 of 2019

In
Civil Writ Jurisdiction Case No.956 of 2018

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Varad Keshri S/o Sri Jaishanker Prasad Keshri Resident of Mohallah- Gandhi
Neem Sasaram, P.S.- Sasaram, District- Rohtas.

... .. Appellant/s

Versus

1. The State Bank of India Central Office, Corporate Centre, Atlanta Building, Nariman Point, Mumbai-400021, through its Chairman.
2. Chairman, State Bank of India, Central Office, Corporate Centre, Atlanta Building, Nariman Point, Mumbai- 400021.
3. General Manager, State Bank of India, Central Recruitment and Promotion Department, Corporate Centre, Mumbai- 400021.
4. Assistant General Manager State Bank of India, Central Recruitment and Promotion Department, Corporate Centre, Mumbai- 400021.
5. General Manager, State Bank of India, North Eastern Circle, Local Head Office, Guwahati 781006.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Pancham Lal Jaiswal, Advocate
		Mr. Sanjeev Kumar, Advocate
For the Respondent/s	:	Mrs. Namrata Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 07-02-2023

Re: I.A. No. 1 of 2019

Heard I.A No. 1 of 2019 for condonation of delay in filing L.P.A. For the reasons stated in the application and affidavit, delay of 108 days in filing L.P.A. is condoned. I.A stands allowed.

On 10.01.2023 the following order was passed.

“Heard learned counsels for



the respective parties.

Matter relates to selection and appointment to the post of Junior Associates (Customer Support and Sales) and Junior Agricultural Associates. The appellant was unsuccessful candidate for the aforesaid recruitment. His grievance is that two vacancies are available in Meghalaya region. If those vacant posts are filled up, in that event, the appellant is entitled to be selected and appointed against one of the vacancy earmarked for OBC.

Learned counsel for the appellant is hereby directed to apprise this Court with reference to any of the circular or decision of the respondent - State Bank of India that unfilled vacancies could be filled up by operating select list or such unfilled vacancies are required to be carry forwarded to the next recruitment or not? In this regard, if any material is placed, in that event we could examine statutory claim of the appellant. If the same is not placed on record before the next date of hearing, appeal would be dismissed in the light of Apex Court's decision in the case of ***Vallampati Sathish Babu vs. State of Andhra Pradesh and Others*** reported in ***2022 SCC Online SC 470***, para 28 reads as under:

"In the present case, the final selection list of 33 candidates was prepared. Thereafter all the selected candidates were called for counselling. but one of the candidates did not report for counselling. The aforesaid event took place after the final selection list was prepared and published. As there was no requirement of preparation of a waiting list, the appellant claiming to be the next in the merit cannot claim any appointment as his name neither



figured in the list of the selected candidates nor in any waiting list as there was no provision at all for preparation of the waiting list. Sub-rule (5) of Rule 16 is very clear Therefore, the post remained unfilled due to one of candidates in the final list did not appear for counselling and/or accepted the employment. Hence, that post has to be carried forward for the next recruitment.”

Re-list this matter on

07.02.2023.”

Today learned counsel for the appellant could not apprise this Court by producing any material to demonstrate that wait list is required to be prepared and operated for the purpose of such of those vacancies which were not filled up in that particular recruitment. Therefore, the appellant has not made out a case in the light of Apex Court’s decision cited (supra) in the case of *Vallampati Sathish Babu vs. State of Andhra Pradesh and Others* reported in *2022 SCC Online SC 470*.

Accordingly, L.P.A. stands dismissed while affirming the order of the learned Single Judge.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

shoaib/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.02.2023.
Transmission Date	NA

