

13.07.2023
Item 105.
Court No.1.
S. De

Circuit Bench of Calcutta High Court at Jalpaiguri.

**M.A.T. 35 of 2023
With
I.A. No. CAN/1/2023**

**Sukumar Barman.
Vs
The General manager (HR) HRD, PNB & Ors.**

Mr. Jagriti Mishra,
Mr. Debjit Kunder,
Mr. Debayan Goswami,
Mr. Subham Gupta,
Mr. Reshab Kumar,
Ms. Ananya Bhattacharyya,
...for the appellant.
Mr. Deborshi Dhar,
...for the respondent/bank.

This appeal is directed against a judgment and order dated March 2, 2023 whereby the appellant's writ petition being WPA 646 of 2022 was dismissed.

The appellant approached the learned Single Judge with the prayer for a direction on the concerned bank to permit the appellant to participate in the recruitment process. The learned Judge held that even after age relaxation, the appellant would not be eligible to participate in the recruitment process of the bank. Accordingly, the learned Judge dismissed the writ application.

Appearing for the appellant, learned advocate says that a similar matter was disposed of by a Co-

ordinate Bench by a judgment and order dated June 15, 2023 (MAT 34 of 2023) whereby the bank was directed to treat the contents of the writ petition as a representation of the writ petitioner and dispose of the same in accordance with law in light of the Circular dated July 2, 2010, after observing the principles of natural justice. Learned advocate says that a similar order may be passed in this matter.

Accommodation is sought for on behalf of the bank. Since we propose to pass only a direction for consideration of the appellant's case by the bank, we do not intend to defer this matter and keep it pending.

We, therefore, direct the respondent no.3 being the Circle Head, HR Department, Punjab National Bank Circle Office – NJP, Siliguri to treat the contents of the appellant's writ petition as a representation and decide the appellant's claim in light of the Circular dated July 2, 2010, after giving reasonable opportunity of hearing to the appellant. The appellant may be permitted to be represented by an advocate on the day of the hearing. The date of hearing should be communicated to the appellant at least seven days in advance. A decision should be taken by the respondent no.3 within a period of six weeks from the date of

communication of this order along with a copy of the writ petition.

Since we find that the learned Single Judge did not consider the said circular dated 2nd July 2010, which is binding on the United Bank of India which has merged with Punjab National Bank and any other circular that may be applicable to the appellant, the authority shall decide the same issue being uninfluenced by the observations made by the learned Single Judge in this regard and shall dispose of such representation by a reasoned order.

Since we have not called for any affidavits, the allegations in the stay application are deemed not to have been admitted by the respondents.

The appeal being MAT 35 of 2023 is disposed of along with the application being I.A. No. CAN 1 of 2023.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis upon completion of requisite formalities.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)