



WEB COPY

W.P.No.12725 of 2021
& W.M.P.No.13523 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2023

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.12725 of 2021
& W.M.P.No.13523 of 2021

N.Avinash

...

Petitioner

versus

1.The General Manager,
State Bank of India,
Central Recruitment & Promotion Department,
Corporate Centre, Mumbai.

2.The General Manager,
State Bank of India,
HR Department, Local Head Office,
Circletop House, 5th Floor,
16, College Lane,
Nungambakkam, Chennai - 600 006.

3.The Assistant General Manager, (HR),
State Bank of India, HR Department,
Local Head Office, Circletop House,
5th Floor, 16, College Lane,
Nungambakkam,
Chennai - 600 006.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the entire records issued by the 3rd respondent in his proceedings



No.HR:RC:159:CBO:CAN:350 dated 09.04.2021, quash the same and consequently direct the respondents to permit the petitioner to join duty to the post of "Circle Based Officer" as per Advertisement No. CRPD/CBO/2020-21/20.

For Petitioner : Mr.U.Sidharth

For Respondents : Mr.C.Mohan
for M/s.A.Rexy Josephine Mary
for M/s.King & Partridge
for SBI

ORDER

The petitioner has filed this petition seeking a writ of Certiorarified Mandamus, calling for the entire records issued by the third respondent in his proceedings No.HR:RC:159:CBO:CAN:350 dated 09.04.2021 and quash the same and consequently direct the respondents to permit the petitioner to join duty to the post of "*Circle Based Officer*" as per Advertisement No. CRPD/CBO/2020-21/20.

2. Heard Mr.U.Sidharth, learned counsel for the petitioner, Mr.C.Mohan, learned counsel for the respondents and perused the materials available on record.



WEB COPY

3. The petitioner who had applied for the post of “*Circle Based Officer*” based on the Advertisement No.CRPD/CBO/2020-21/20 of the State Bank of India. The petitioner who got selected in the selection process by being successful in the examinations and the interview held in this regard. The petitioner’s name has also been included in the selection list released on 12.03.2021. The medical test and cibil score check were done on 16.03.2021 and 12.03.2021 by the respondents and the document verification was done on 18.03.2021. The petitioner had 775 cibil score and the appointment order dated 12.03.2021 was issued to the petitioner on 18.03.2021. On 01.04.2021, the petitioner has got a call from the third respondent and it is clarified about the pending loan availed by him from the Canara Bank. However his appointment was cancelled on 09.04.2021.

4. Mr.U.Sidharth, learned counsel for the petitioner submitted that the petitioner had already submitted the NOC issued by the Canara Bank and in the year 2017 itself, the petitioner had repaid the entire loan availed by him from the Canara Bank. Even those people who are in default in paying the loan were allowed to join, but the petitioner’s appointment order was withdrawn. Even the SBI itself has given a Circular stating that there is



WEB COPY

an adverse cibil score which has been updated on the date of joining and that can be produced after updation or they can produce the NOC from the lender to the effect that there is no outstanding amount in the loan accounts which has adverse reflection in the cibil score. The petitioner had closed the loan on 05.01.2017. The petitioner's appointment order is dated 12.03.2021 and the loan availed by him from the Canara Bank has been closed well before the appointment order. Hence the petitioner is eligible to get an appointment for the post already reserved by virtue of an interim order passed by this Court on 16.06.2021 in this case.

5. Mr.C.Mohan, learned counsel for the respondents submitted that the recruitment notification dated 27.07.2020. On 12.03.2021 itself, the respondents came to know that the petitioner had got an adverse credit history and he had default in payment of loan and his offer for appointment was withdrawn. Even according to the circular notice issued by the first respondent Bank dated 24.06.2022, if a person selected for the post before the date of joining have to get the cibil status updated and produce the NOC from the lender to the effect that there is no outstanding with respect to the accounts showing adverse reflection in the cibil.



WEB COPY



6. The impugned order which withdraws the appointment of the petitioner is produced below:-

“SHR/MS AVINASH NAGARAJ
S/D/O NAGARAJ C
120 3A GROUND FLOOR
KRISHNA NAGAR 1ST MAIN ROAD
MADURAVOYAL CHENNAI
TAMIL NADU - 600095

HR:RC:159:CBO:CAN:350

DATE: 09.04.2021

Madam/ Dear Sir,

RECRUITMENT OF CIRCLE BASED OFFICERS
CANCELLATION/WITHDRAWAL OF CANDIDATURE
SHRI/MS AVINASH NAGARAJ ROLL NO: 2401000691

We refer to our Intimation Letter (e-mail) dated 07.03 2021/08 03.2021.

2. As per Advertisement No.CRPD/CB0/2020-21/20 dated 27.07.2020, vide point 1 (E) (Others)

i. Candidates with record of default in repayment of loans/ credit card dues and/ or against whose name adverse report of CIBIL or other external agencies are available are not eligible for appointment.

ii. Candidates against whom there is/ are adverse report regarding character & antecedents, moral turpitude are not eligible to apply for the post.

2. Subsequently, during verification, it was observed from your CIBIL reports that you have adverse credit history and defaulted in repayment of your loans/credit cards

3. In this regard, your candidature for appointment as Circle Based Officer in State Bank of India stands cancelled and "Offer of Appointment" given vide Letter No.HR:RC:CBO:4303/350 dated 12.03.2021 is withdrawn

4. No further Communication in this regard shall be entertained.

Yours faithfully.

ASSISTANT GENERAL MANAGER (HR)”



WEB COPY

7. The one and only reason for which the appointment order was withdrawn for the petitioner is that he had adverse credit history and he defaulted in repaying his loan / credit card dues. However the order does not make any special reference to any specific loan availed by the petitioner from any Bank. The overall cibil score as on 07.05.2021 is seen to be 775. The cibil credit report of the petitioner is available before the Court has got the consolidated statements of the loans availed by the petitioner from the year 2016 till 07.05.2021. Though the petitioner had availed several loans from several Banks and financial institutions, he had repaid all the loans. As on date when the appointment order was issued, the petitioner did not have any pending loans.

8. In fact, the petitioner has got the NOC from the Canara Bank as requested to him through a phone call conversation made by the third respondent. The impugned order does not state that the petitioner had got any pending loan and for which the petitioner had not made any payments and obtained the NOC.

9. The job offer given by the State Bank of India stipulates a desirable cibil score as one of the eligibility criteria. Even in the absence of



high cibil score, the appointee has to discharge the pending loans and obtained an NOC from the lender.

WEB COPY

10. In the case in hand, the petitioner has got the NOC on 22.03.2021 from the Canara Bank. However in the NOC, it is stated that the petitioner has closed the loans as early as on 05.01.2017. Even without the NOC, the cibil credit report itself would show that none of the loans availed by the petitioner was pending as on 12.03.2021 and hence the third respondent ought not to have withdrawn the appointment order on a wrong presumption that the petitioner had pending loans as on 12.03.2021.

In the result, this Writ Petition is **allowed** and the order passed by the third respondent in No.HR:RC:159:CBO:CAN:350 dated 09.04.2021, is quashed and consequently, the respondents are directed to permit the petitioner to join duty to the post of "*Circle Based Officer*" as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petition is closed.

22.11.2023

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri



WEB COPY

W.P.No.12725 of 2021
& W.M.P.No.13523 of 2021



R.N.MANJULA, J.

sri

W.P.No.12725 of 2021
& W.M.P.No.13523 of 2021

22.11.2023