

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

204

CWP-23467-2017

Date of Decision : 02.09.2023

Jisha K

..... Petitioner

Versus

State Bank of India and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Ms. Savita Bhandari, Advocate and
Mr. Kanav Singla, Advocate
for the petitioner.

Mr. Vikas Chatrath, Advocate
Mr. BPS Thakur, Advocate
Ms. Dilpreet Kaur, Advocate and
Mr. Sahil Kumar, Advocate
for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of Constitution of India is seeking setting aside of action of respondents-bank specifying minimum qualifying marks in the interview.

2. The petitioner pursuant to advertisement applied for the post of Assistant Manager Statistician under OBC quota. The petitioner successfully cleared written test and she was called for the interview. In the advertisement, no minimum marks in the interview were specified, however, the petitioner was not selected on the ground that she has failed to secure minimum marks in the interview.

3. Learned counsel for the petitioner submits that respondents in an arbitrary and whimsical manner have specified minimum marks of interview. The respondents did not specify minimum marks of interview in the advertisement, thus, action of respondents is unjustified and arbitrary. The petitioner cleared written test and was duly eligible for the appointment, however she has been rejected only on the sole ground that she has not secured minimum prescribed marks in the interview.

4. Learned counsel for the respondents submits that the respondents advertised posts on 04.10.2016. Written test was conducted on 20.01.2017 and interview was conducted on 09.03.2017. In the advertisement, it was categorically disclosed that to be eligible for the post, candidates must have to secure equal to or more than the minimum qualifying marks in the interview. The respondent-bank on 04.10.2016 specified minimum qualifying marks of interview. There is no allegations of malice as well as favoritism. Two seats have remained vacant. The criteria of minimum marks has been applied to all the applicants, thus, the petitioner cannot claim any prejudice. To buttress his contention, learned counsel for the respondents relies upon the judgment of Hon'ble Supreme Court in *Taniya Malik vs. The Registrar General of the High Court of Delhi, 2018 (14) SCC 129.*

5. I have heard the arguments of learned counsel for the parties and perused the record.

6. The petitioner applied for the post pursuant to advertisement dated 04.10.2016. The extracts of the advertisement which are relevant for the adjudication of the present petition are reproduced as below :

b) *To be eligible for being short-listed for interview,*

candidate have to score equal to or above the Cut-off marks to be decided by the Bank for the PK test, besides scoring equal to or above the Minimum qualifying marks in other tests.

c) Candidates must secure equal to or more than the minimum qualifying marks (to be decided by the Bank) in interview to be considered for selection. In the interview, the candidate can opt for Hindi also.

7. The respondent-bank vide note dated 04.10.2016, which was produced during the course of hearing, has prescribed minimum qualifying marks for the interview. The relevant extracts of the note read as:

“In interview out of 25 marks, General Category Candidates will have to score minimum 10 marks (40%) and Reserved Category (SC/ST/OBC/PWD) candidates have to score 9 marks (35%) for being considered for selection. Merit list will be prepared on the basis of aggregate marks obtained in Professional Knowledge (out of 100 marks) and interview (out of 25 Marks). Qualifying standards in interview have been approved vide CHRC Note HR/CM/CHRC/Mtg No. 17/2011-12 dated 13.06.2012. In case more than one candidate score the cut off marks (common mark at cut off point), such candidates will be ranked according to their age in descending order, both in the select list as well as in the wait list.”

8. From the perusal of advertisement and note dated 04.10.2016, it comes out that the respondent-bank has duly specified minimum qualifying marks of the interview. The note dated 04.10.2016 was not made public, thus, there seems to be some lapse on the part of the bank, however, in the absence of any *malafide* intention on the part of the bank or an endeavour to favour someone, it cannot be concluded that respondent-bank has caused prejudice to the petitioner. It is not a case of change of

rule of game. The respondent-bank specified minimum marks even prior to written exam. The date of advertisement and note is same i.e. 04.10.2016. It is apt to notice here that there were 05 posts meant for OBC and respondent-bank had filled only 03 posts. It means many candidates were found unfit on account of non-securing qualifying marks in the written test or interview. There was no question to adjust someone to the prejudice of others.

9. In the wake of aforesaid facts and findings, this Court finds that the present petition is devoid of merit, thus, deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

02.09.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>