

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7841 of 2018

1. Mr. Harendra Kumar Singh, Son of Shri Rajendra Prasad Singh, Resident of Village- Pokhrahi, P.O.- Nabinagar Road, P.S.- Nabinagar, Dist- Aurangabad Bihar, Pincode- 824303.
2. Mr. Amar Sen, Son of Shri Arun Kumar Das, Resiednt of Lal Bahadur Shastri Nagar, Near Flat No- 1, F.C.I. Godawn Patna Bihar, Pin No- 800023.
3. Mr. Gourav Kumar, Son of Shri Keshav Kumar Singh, Resident of At. Kursandi, Village- Alamnagar, Dist- Madhepura Bihar Pin No- 852219.
4. Mr. Rohit Kumar Singh, Son of Shri Rajesh Kumar Singh, Resident of VillageP.O.- Chamtha Barkhut, P.S.- Bachhwara, District- Begusarai Bihar Pin No.- 851111.
5. Mr. Shubham Kumar, Son of Shri Dilip Kumar Verma, Resident of Near Shitla Mandir, Korathbari Madhubani, Purnea, Bihar Pin No 854301.
6. Mr. Alok Kumar, Son of Shri Yugal Kishor Prasad, Resident of AtP.O.- Barhiya, Tola- Ramcharan, Near Bhawani Mandir, Dist- Lakhisarai Bihar Pin No.- 811302.
7. Mr. Satish Kumar, Son of Shri Surendra Pathak, Resident of Aadarsh Nagar Ward No.-06, Rosera, P.O.P.S.- Rosera, Dist- Samastipur Bihar, Pin No.- 848210.
8. Mr. Mukesh Kumar, Son of Shri Krishna Choudhary, Resident of H.N.- JKS/F32, Old Jakkanpur, Ram Lakhan Mahto Flat, Patna Bihar Pin No.- 800001.
9. Mr. Deepak Kumar, Son of Shri Navin Chandra Jha, Resident of Village- Hemnagar, P.O.- Kachahari Balua, , P.S.- Sarsi, Dist- Purnia Bihar Pin No. 854201.
10. Mr. Aman Kumar, Son of Shri Sanjay Kumar Mishra, Resident of Shanti Nagar, Chunapur Road, Madhubani, Purnea Bihar Pin No.- 854301.
11. Miss. Deeptee Sinha, Daughter of Shri Anilk Kumar Sinha, Resident of Moh- Kantahi, Bihar Sharif, Dist- Nalanda Bihar Pin No 803101.
12. Mr. Pankaj Kumar, Son of Shri Nand Kumar Prasad, Resident of Village- Nathchak, P.O.- Barh, P.S.- Barh, Dist- Patna Pin No.- 803213.
13. Mr. Rohit Kumar, Son of Shri Basuki Nath Thakur, Resident of Sundarpur Ratwara, Pira, Muzaffarpur, Bihar, Pin No- 843115.
14. Mr. Jitendra Kumar Paswan, Son of Shri Sukdeo Paswan, Resident of Azampurgola, PO- Manihari, Dist- Katihar, Bihar, Pin No- 854113.
15. Mr. Dilip Kumar, Son of Shri Dev Muni Das, Resident Nawadiha, Sindur Hazaribag, PO- Sadar Hazaribag, State- Jharkhand, Pin No.- 825301.
16. Mr. Sunny Kumar, Son of Shri Arun Kumar Lal, Resident- Kisan Vastralaya, Main Road Kawakol, Nawada, Dist- Nawada, State- Bihar Pin No.- 805106.
17. Mr. Manish Kumar, Son of Shri Arun Kumar Das, Resident- Sainikpuri



Khaprail, PO- New Chumta, Dist- Darjeeling, West Bengal, Pin No- 734009.

... .. Petitioner/s

Versus

1. The Union Of India through Secretary, Ministry of Finance, Govt. of India.
2. Institute of Banking Personnel Selection, IBPS House, 90' D.P. Road, Near Thakur Polytechnic, Opp. Western Express Highway, P.B. No. 8587, Kandivali (E), Mumbai- 400101 through its Chairman & M.D.,
3. The Chairman and Managing Director, Institute of Banking Personnel Selection, IBPS House, 90' D.P. Road, Near Thakur Polytechnic, Opp. Western Express Highway, P.B. No. 8587, Kandivali (E), Mumbai
4. The Director, Institute of Banking Personnel Selection, IBPS House, 90' D.P. Road, Near Thakur Polytechnic, Opp. Western Express Highway, P.B. No. 8587, Kandivali (E), Mumbai
5. Bihar Gramin Bank, Head Office at Gramin Bank Chowk, Opposite North HFFCL Gate, NH 31, Begusarai- 851115 through its Chairman
6. The Chairman, Bihar Gramin Bank, Head Office at Gramin Bank Chowk, Opposite North HFFCL Gate, NH 31 Begusarai- 851115
7. Punjab National Bank, Head Office, Bhikaji Cama Place, Delhi, through its Chairman.
8. Madhya Bihar Gramin Head Office Shri Vishnu Commercial Complex, NH 30, New Bypass, Near BP Highway Services Petrol Pum,p,. Asochak, Patna -800016 through its Chairman
9. The Chairman, Madhya Bihar Gramin Head Office Shri Vishnu Commercial Complex, NH 30, New Bypass, Near BP Highway Services Petrol Pum,p,. Asochak, Patna -800016
10. Uco Bank, Head Office, 8th Floor 10, B.T.M. Sarani Kolkata- 700001, through its Chairman.
11. Uttar Bihar Gramin Bank, Head Office- Kalambagh Chowk, Muzaffarpur, through its Chairman.
12. The Chairman, Uttar Bihar Gramin Bank, Head Office- Kalambagh Chowk, Muzaffarpur.
13. The Chairman, Central Bank of India, Chandermukhi, Nariman Point, Mumbai- 400001.

... .. Respondent/s

=====

Appearance :



For the Petitioner/s : Mr.Alok Ranjan, Advocate
For the IBPS : Mr. Siddhartha Prasad, Advocate
For BGB : Mr. Ranjeet Kumar Pandey, Advocate
For P.N.B. : Mr. Mritunjay Kumar, Advocate
For the MBGM : Mr. Suresh Prasad Singh No.1, Advocate
For the UBGB : Mr. Mahendra Pathak, Advocate
Mr. Ashwani Kumar Tiwary, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 30-04-2024

Heard learned counsel for the petitioners, learned counsel for the IBPS, learned counsel for the Bihar Gramin Bank, learned counsel for the Punjab National Bank, learned counsel for the Madhya Bihar Gramin Bank, and learned counsel for the Uttar Bihar Gramin Bank.

2. Learned counsel for the petitioners submits that the present writ petition has been filed for a direction to the respondents to fill up all the posts in the respondent Nos. 5 and 8 Bihar Gramin Bank and Madhya Bihar Gramin Bank within the State of Bihar out of the candidates of reserve list as shown RRBV on 31.01.2018 in the showing it separately in the Officers Scale-1 and office Assistance both the above CWE RRBs V in several Regional Rural Bank. Learned counsel for the petitioners further submits that they are entitled to their appointment against the post that was advertised and in which the petitioners were selected under the reservation list category.



3. Learned counsel for the respondents jointly submits that the issues directly and substantially involved in the present writ petition have already been decided by this Hon'ble Court in the case of **Sourav Kumar and Ors. Vs. Union of India and Ors.** passed in LPA No. 1730 of 2017 and other analogous cases. Learned counsel for the respondents further submits that in the light of the decision made by the Hon'ble Division Bench of this Court in LPA No. 1730 of 2017, the petitioners have no case at all and the present writ petition is fit to be dismissed.

4. This Court feels it necessary to quote the operative portion of the judgment rendered in LPA No. 1730 of 2017, as under:-

“14.1 At the outset, it is required to be noted that the dispute is with respect to appointment on the posts of Officer Scale-I and Office Assistants (multipurpose) in the U.B.G.B. for the recruitment year 2016-17. It is true that initially the Bank communicated to the I.B.P.S. the vacancies to be filled in and, consequently, the I.B.P.S. started the recruitment process. However, from the material on record it appears that the vacancies were notified subject to the approval by the Board of Directors. It is emerging from the record that the agenda was placed before the Board of Directors. The Board of Directors thought it fit to get approval of the sponsor Bank – Central Bank of India and the sponsor Bank – Central Bank of India communicated and advised the Bank not to fill up



the posts. Relying upon such an advice, the General Manager communicated to the I.B.P.S. not to fill up the posts and, consequently, the vacancies notified were reduced to “nil”. Therefore, it was a bona fide decision by the Bank not to fill up the posts for which the recruitment process started. As per the catena of judgments, inviting the applications and making the applications does not confer any right in favour of the applicant of appointment and it is always open for the employer not to fill up the posts advertised, for a valid reason. In the present case, as observed hereinabove, the Bank notified the vacancies subject to approval of the Board of Directors and on the basis of advice of the sponsor Bank – Central Bank of India not to fill up the posts, the Bank – Board of Directors took a decision not to make any appointment for which the posts were advertised and, consequently, the General Manager communicated to the I.B.P.S. not to fill up the posts and, therefore, the vacancies were reduced to “nil”. Therefore, when a decision was taken bona fide and, as observed hereinabove, there is no vested right in favour of the applicant, the learned Single Judge has materially erred in quashing and setting aside the communication dated 13th of February, 2017 of the General Manager of the Bank to the I.B.P.S. not to fill up the posts and/or to reduce the vacancies to “nil”.

4.2 So far as the reliance placed on the decision of the Hon’ble Supreme Court in the case of Bedanga Talukdar (Supra) relied upon by the learned advocate appearing on behalf of the original writ petitioners is concerned, on consideration we are of the considered opinion that the said decision is not applicable to the facts of the case on hand. In the case before the Hon’ble Supreme Court, there was a relaxation



in the terms and conditions of the advertisement subsequent to the advertisement and that too without due application which was found to be violative of Articles 14 and 16 of the Constitution of India. Therefore, the said decision will not be applicable to the facts of the case on hand. More particularly, the decision of the Hon'ble Supreme Court in the case of K. Manjusree (Supra), relied upon by the learned advocate appearing on behalf of the original writ petitioners also, shall not be applicable to the facts of the case on hand as it was a case where the rules were changed subsequent to the advertisement and that, therefore, it was observed that rules of game cannot be changed afterwards. Therefore, the said decision shall not be applicable to the facts of the case on hand. Now, so far as the reliance placed on the decision of the Division Bench of this Court in the case of Ram Pravesh Singh (Supra), relied upon by the learned advocate appearing on behalf of the original writ petitioners is concerned, on facts the said decision shall not be applicable to the controversy in the present Letters Patent Appeals. In the present case, there was no question of "legitimate expectation" as in the advertisement nowhere it is stated that by making application a vested right is created in favour of the applicants and that all the posts advertised shall be filled in. Therefore, on the ground of "legitimate expectation" as contended on behalf of the original writ petitioners, the original writ petitioners shall not be entitled to the relief of appointment.

14.3 At this stage, it is required to be noted that it has come on record that in the subsequent recruitment years i.e. 2017- 18 all the posts which were vacant and notified have been filled in. Even for the year 2018-19, the



applications are invited to fill up 52 posts of Office Assistants (multipurpose) and 188 posts of Officer Scale-I and, therefore, if any relief is granted to the original writ petitioners who are claiming appointment on the basis of the advertisement issued for the year 2016-17, all those persons are likely to be affected and, as observed hereinabove, as such all the posts which were vacant in the year 2016-17 have been filled in at the relevant year and at that time the original writ petitioners did not challenge the same. Even the subsequent advertisement for 2018-19 has also not been challenged. Therefore, on the basis of the subsequent development also, the original writ petitioners are not entitled to any relief of appointments.”

This Court also feels it necessary to quote the operative portion of the judgement rendered in LPA No. 870 of 2018, as under :-

“Counsel for the appellant submits that against the order dated 07.11.2017 passed by the Writ Court, LPA No. 1730 of 2017 was filed and the same was dismissed by the LPA Bench. He produced copy of LPA No. 1730 of 2017 which is taken on record.

Learned counsel appearing for the respondents does not controvert this contention.

In view of above, the present Letters Patent Appeal is also dismissed in similar terms.”

5. After going through the material available on record and the argument advanced by learned counsel for the



parties as well as the judgments cited above, this Court is of the firm view that the issue involved in the present writ petition has already been settled by this Hon’ble Court and now the petitioners have no case.

6. As such, the writ petition stands dismissed.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	30/04/2024
Transmission Date	NA

