

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13624 of 2024

Suresh Kumar S/o Late Ram Autar Yadav, R/o- Village- Ranipur, Ward No. 7
Post- Basudevpur Bira, P.S. Sadar, District- Darbhanga, Bihar- 846005

... .. Petitioner/s

Versus

1. The State of Bihar Through Additional Chief Secretary, Home Department, Old Secretariat, Govt. of Bihar, Patna.
2. The Director, Bihar Rajya Sainik Kalyan Nideshalaya, Office at Main Secretariat, Block 2, Second Floor, Patna, Bihar.
3. Assistant Director, Bihar Rajya Sainik Kalyan Office at Nideshalaya, Main Secretariat, Block-2, Second Floor, Patna, Bihar.
4. District Soldier Welfare Officer, District Soldier Welfare Office, Darbhanga (Zila Sainik Kalyan Office) Office at Laherisarai, District- Darbhanga, Bihar.
5. State Bank of India through Chairperson, State Bank Bhawan, Central Office, 8th Floor, Madame Cama Marg, Mumbai, Maharashtra.
6. General Manager, State Bank of India, Local Head Office, 5th Floor, West Gandhi Maidan, Patna- 800001
7. Assistant General Manager (HR), State Bank of India, Human Resource Department, Local Head Office, 8th Floor, West Gandhi Maidan, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bindeswari Singh, Adv.
For the Bank	:	Mr. Sanjiv Kumar, Adv.
For the State	:	Mr. Madhukar Mishra, AC to SC-16

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-09-2024 Heard learned counsel for the petitioner who appeared through virtual mode, learned counsel for the State Bank of India and learned counsel for the State both appeared through physical mode.

2. Counsel for the petitioner submits that the petitioner is a retired soldier of Indian Army as an infantry soldier in rank of Nayak from Bihar Regiment. Counsel submits



that the petitioner got himself registered as District Soldier Board, Darbhanga and was issued with Identity Card of ex-serviceman vide Annexure P-3. Counsel further submits that an advertisement has come for appointment to the post of bank security guard exclusively for ex-serviceman from the competent members of Army, Airforce and Navy. Recruitment process has come vide Annexure P-4. He further submits that the petitioner has appeared in the said recruitment process but his name has not come in the eligibility list, it is due to this reason, the petitioner has filed CWJC No. 16990 of 2023 which was dismissed on 22.04.2024 with liberty to approach the respondent for redressal of his grievances.

3. Learned counsel for the petitioner further submits that in compliance of order passed by this Court in CWJC No. 16990 of 2023, the petitioner filed a representation to the respondent no.6 (Annexure P-7) and vide letter dated 31.05.2024, his representation was rejected on the ground that he was lacking 02 marks from the minimum cut off marks of 36 and the petitioner got 34 marks due to his age. Learned counsel for the petitioner specifically mentioned that at the time of recruitment, age of petitioner was between 40-41 years and as per advertisement, the eligibility criteria is less than 45 years.



But from the reasoned order, it transpires that negative marks have been assigned to the petitioner due to his age and therefore, selection has been denied by the respondent.

4. Learned counsel for the petitioned has specifically mentioned that rule of game cannot be changed which the respondent has changed and therefore, the order dated 31.05.2024 by which his representation was rejected and be set aside and the respondent be directed to publish the name of the petitioner in the successful candidate. Respondents be further directed to accept his joining.

5. Counsel for State Bank of India, on the other hand, submits that the petitioner has earlier moved before this Hon'ble Court with the same relief, which had not been considered by this Hon'ble Court and it was dismissed, granting only liberty to the petitioner to seek his liberty by approaching the respondent authorities for redressal of his aforesaid grievances. He further submits that the representation has been duly considered and reasons have been well assigned which is mentioned in Annexure P-1, where the marking criteria has been explained. He further submits that highest marks 10 was assigned for the candidates having less than 35 years and gradually due to higher the age lower the marks has been assigned to all the candidates



who appeared as per their age. Counsel for State Bank of India further submits further that no negative marks have been assigned to anyone rather as per criteria, the marks have been assigned. He also submits that rule of game has not been changed.

6. After going through the pleadings as well as the documents, it transpires to the Court that in the advertisement which is Annexure P-4, the eligibility criteria has been mentioned in which under upper age limit category has been mentioned that 45 years as on 01.10.2020. This Court is of the view that there is no negative marks assigned rather from the reasoned order, it becomes crystal clear that methodology of assigning the marks has been explained.

7. In a Country like India where more candidates are appearing in recruitment process than the seats, then in that case, it is necessary for the Recruitment Authority to assign the criteria on the basis of proper scrutiny be made among the appearing candidates who are more than the seats available for appointment since in the recruitment shelter, only eligibility criteria was assigned and in the final result, the criteria has been assigned only with a view to identify the more competent person than each other. Therefore, this Court is of the firm view that



assigning number on the basis of age by the Bank is absolutely in accordance with law. It is basically an honest effort by the respondent to select the more competent person and therefore, this Court is not inclined to interfere in the order.

9. As such, the writ petition is dismissed.

(Dr. Anshuman, J)

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