



W.P.No.25713 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2024

CORAM

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.25713 of 2016

and

C.Varalakshmi

...Petitioner

Vs.

1.The General Manager,

Union Bank of India,

No.139, Broadway,

Chennai-600 108

2.The Chief Manager,

Union Bank of India, Divisional Officer,

No.649-650, First Floor, OppannakaraVeethi,

Coimbatore District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of certiorarified mandamus, to call for the entire records relating to the impugned proceedings of the second respondent in



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letter Ref. R.O.HRM:973/2015-16 dated 13.01.2016 and quash the said impugned proceedings of the second respondent dated 13.01.2016 and direction directing the respondents to appoint the petitioner in the post of Peon-cum-Hamal or its equivalent post in the respondent's bank.

For Petitioner : Mr.D.R.Arun Kumar

For Respondents : Mr.S.Shushaanth

for M/s.T.S.Gopalan & co

for R1 & R2

ORDER

The petitioner herein participated in the recruitment process for filling up the post of Peon/Hamal in 2nd respondent/Bank during the year 2008-2009 by duly appearing for the interview on 22.04.2009. It was thereafter, the petitioner was provisionally selected under Scheduled Tribe category out of four candidates under the reserved category and she was required to produce the latest Community Certificate in order to confirm her selection and issue appointment orders. However, the petitioner failed to produce the latest Community Certificate in support of her social status. The 2nd respondent/Bank, after having waited for considerable time, issued a show cause notice dated 09.07.2010 and the final show cause notice dated 17.03.2010, notifying that in case the petitioner failed to produce latest



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Community Certificate within 15 days, her provisional selection would automatically stands cancelled. It is aggrieved by the said show cause notice dated 17.03.2010, the petitioner approached this court by filing W.P.No.9203 of 2014, while simultaneously challenging the order dated 11.06.2010 passed by the Revenue Divisional Officer, Sivagasi, Virudhunagar District, refusing to issue the Community Certificate to the petitioner. A Division Bench of this Court while disposing the said writ petition, by order dated 10.07.2014, directed the Revenue Divisional Officer (RDO), Sivagasi to reconsider the case of the petitioner for issuance of Community Certificate. However, the RDO refused to interfere with the final show cause notice dated 17.03.2010.

2.Thus, the petitioner, having challenged the action of the respondent/bank in requiring the petitioner to submit latest Community Certificate failed in the said attempt in W.P.No.9203 of 2014 and the order dated 10.07.2014 passed by this Court has become final. Therefore, the petitioner is not entitled to re-agitate the said issue or question the Bank's action insisting the petitioner to produce the latest Community Certificate. Thus. the said cancellation of provisional selection of the petitioner has



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become final. Subsequently, the petitioner was able to obtain the latest Community Certificate on 29.08.2014 and thereafter, she approached the 2nd respondent/Bank for appointment to the post of a Peon/Hamal pursuant to her previous selection. The said claim of the petitioner was rejected by the respondent/Bank by passing the impugned order dated 13.01.2016, stating that the claim of the petitioner was already negated by this Court on 10.07.2014 and the post for which the petitioner was selected, was also filled up long back and therefore, the question of considering the petitioner's case for being appointed to the post which was already filled up does not arise. It is aggrieved by the said order, the petitioner approached this Court by filing the present writ petition.

2. Admittedly, the post for which the petitioner was selected provisionally, was filled up by some other candidate belonging to the same reserved category. Therefore, the question of the petitioner's case being considered for the said post, does not arise, especially in view of the fact that the selected candidates are not a party in the present writ petition. There can be no exception to the stand taken by the respondent/Bank in the light of the



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order passed by the Division Bench of this Court referred to above. No doubt, by issuance of the latest Community Certificate it would not confer social status of the petitioner but it only once again reaffirmed by the concerned Authorities and it is not a case where the petitioner acquired such social status as on the date of issuance of the said certificate. But the petitioner is required to satisfy the conditions of selection and appointment, pursuant to the Notification issued by the 2nd respondent/Bank. Hence, the question of the petitioner being appointed for the post of Peon/Hamal pursuant to the recruitment process undergone by the petitioner at this stage does not arise.

3.In the circumstances, this Court does not find any error or illegality in the impugned order passed by the respondent/Bank. However, considering the fact that, the petitioner belongs to Schedule Tribe Community and has been agitating for her claim for appointment to the post of peon/Hamal in the respondent/Bank for more than a decade and this Court is of the considered view that the petitioner be granted liberty to approach the respondent/Bank by submitting appropriate application seeking for appointment to the post of Peon/Hamal in any of the existing vacancies being a person belonging to Schedule Tribe community.



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4. Accordingly, while dismissing the writ petition, the petitioner is granted liberty to submit her representation to the 2nd respondent/Bank seeking appointment to the post of Peon/Hamal in any of the vacancies either under Scheduled Tribes or otherwise. In case the petitioner makes any such representation, the same shall be considered by the 2nd respondent/Bank and appropriate orders be passed thereon, within a further period of eight weeks from the date of submission of the representation by the petitioner. The respondents are at liberty to pass appropriate orders and it is made clear that this Court has not expressed any opinion on the merits or on the right of the petitioner for being appointed to the said post.

5. Accordingly, the writ petition stands dismissed, with the above directions. There shall be no order as to costs.

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