



WP(MD). No.12253 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 12/06/2024

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The Hon`ble Ms.Justice R.N.MANJULA

**WP(MD). No.12253 of 2024
and WMP(MD) No.10866 of 2024**

M.Balaji

... Petitioner

Vs

1.The Chairman

Institute of Banking Personnel Selection
90 Feet D,P.Road
Thakur Complex,
Western Express Highway,
Kandivali East,
Mumbai 400 101.

2.The Reserve Bank of India

Mumbai Regional Office,
Shahid Bhagat Singh Road
Kala Ghoda, Fort,
Mumbai 400001

... Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to grant 26.50 marks for the main exam held on 28.01.2024 for the post of Marketing Officer in (Common Recruitment Process of 2024-25)



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For Petitioner : Mr.R.Paranjothi for

M/s.KBS Law Associates

ORDER

Heard Mr.R.Paranjothi, learned counsel for the petitioner.

2. The petitioner has filed this writ petition seeking a direction to the 1st respondent to grant 26.50 marks for the main exam held on 28.01.2024 for the post of Marketing Officer in (Common Recruitment Process of 2024-25).

3. The petitioner, who has applied to the post of Marketing Officer in response to the notification calling for explanation issued by the first respondent, has given a representation to the first respondent stating that he ought to have been awarded 26.5 marks in main examination held on 22.01.2024, however, he was awarded with only 26 marks. If the petitioner is awarded with 26.05 marks, he would get 47.13, which is the cut off mark for selection under the SC category. The nature of questions and evaluation adopted would go to show that the candidate themselves



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can calculate/presume the marks, they can obtain by comparing with the key answers. According to the petitioner, he would have definitely scored 26.50 marks and to that effect he has given a representation as well on 01.04.2024. However, so far the same has not been considered.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.



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5. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representations dated 01.04.2024, on its own merits and pass appropriate orders in accordance with law, after making due enquiry, within a period of two weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the case or the claim of the petitioner and it is open to the respondents to consider the same on its own merits.

6. With the above direction, the writ petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

12.06.2024

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R.N.MANJULA,J

RR

ORDER
IN
WP(MD) No.12253 of 2024

Date : 12/06/2024