



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

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LPA-2279-2024 (O&M)

Date of decision: 25.09.2024

SARVA HARYANA GRAMIN BANK**...Appellant****VERSUS****JYOTI****...Respondent**

**CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Saurav Verma, Advocate
for the appellant.

Mr. R.K. Malik, Senior Advocate with
Mr. Sandeep Dhull, Advocate
for the respondent.

DEEPAK SIBAL, J.(ORAL)

1. The present intra court appeal is directed against the judgment dated 13.10.2023 passed by a learned Single Judge of this Court allowing the respondent's writ petition through which she had sought issuance of directions to the appellant-Bank to appoint her after operating the reserve/waiting list.

2. A few relevant facts may be noticed.

3. On the basis of a requisition sent by the appellant-Bank, the Institute of Banking Personnel Selection (for short – IBPS) issued an advertisement dated 21.07.2020 inviting applications for appointment of 52 Officers (Scale-I) out of which 23 posts were meant for the general category candidates. In response to the said advertisement, the respondent applied for consideration of her candidature under the general category. After undergoing the prescribed selection process, the final merit list was displayed on 11.03.2021 as per which the last candidate appointed under the general category as Officer (Scale-I) was the one who had secured 58.55 marks. As



per one of the terms of the advertisement a waiting list was also displayed in which, in the general category, the last candidate was the one who had scored 57.25 marks. The respondent also figured on the waiting list having secured 57.75 marks.

4. Against the 23 posts of Officers (Scale-I) which were meant for and offered to candidates belonging to the general category only 13 candidates joined. Thus, 10 posts of Officers (Scale-I), under the general category, remained vacant. In terms of the advertisement, the afore referred waiting list was not only in existence but was also valid as the same had a validity period of one year within which the said 10 vacancies had arisen. Instead of turning to the waiting list for filling up the 10 vacant posts, the appellant-Bank forwarded a fresh requisition dated 15.05.2021 requiring the IBPS to conduct selections on behalf of the appellant-bank to fill up 127 posts of Officers (Scale-I) out of which 53 posts were meant for the general category. At that stage, the respondent knocked the doors of this Court seeking its intervention as according to the respondent, in terms of the advertisement, during the validity of the waiting list, the appellant-Bank was first required to exhaust persons available on the waiting list and then start a fresh process of selection. A learned Single Judge of this Court, after considering the facts of the case and law on the subject, allowed the respondent's writ petition. Such judgment of the learned Single Judge has been challenged through the instant intra court appeal.

5. Learned counsel for the parties have been heard.

6. At the outset, the following relevant Clause contained in the advertisement dated 21.07.2020 would be useful to refer to:-

"A reserve list to the extent of vacancies as per extant provision will be drawn in each category subject to exigencies and availability of



candidates. This does not guarantee provisional allotment to/recruitment by the RRBs. In the event of RRBs providing further vacancies, provisional allotment will be carried out for the candidates in the reserve list subject to vacancies being provided within one year after the date of provisional allotment. However, if no vacancy is furnished by the RRBs owing to exigencies or otherwise during the validity period the candidates under the reserve list will not be considered for provisional allotment. The reserve list will expire automatically on the day which is one year after the date of Provisional Allotment or until a fresh provisional allotment is made, whichever is earlier, with or without any notice. Candidates who are not provisionally allotted or not in the reserve list will be considered for any further process under CRP RRBs-IX.”

7. A reading of the afore reproduced Clause reveals that at the time of making of final selections, subject to availability of eligible candidates, a reserve list in each category would be drawn; the existence of the name on the reserve list would not guarantee recruitment; in the event of the rural Banks, like the appellant, providing to the IBPS further vacancies within one year of the making of the reserve list, allotment would first be carried out from the reserve list; if no vacancy, during the validity of the reserve list is requisitioned by a bank, then the candidates on the reserve list would have no right of consideration and that the validity of the reserve list would automatically expire after one year from the day the first appointment, in terms of the selection in question or untill fresh appointments in pursuance to a fresh requisition are made, which ever is earlier.

8. In the case in hand, through advertisement dated 21.07.2020, 23 posts of Officers (Scale-I) meant for candidates of the General Category were advertised and after completion of the entire selection process, letters of appointment were issued to the selected candidates as per merit. However, only 13 of such candidates joined leaving 10 clear vacancies. As per the afore reproduced Clause of the advertisement a reserve list had been published on

11.03.2021 in which the respondent's name duly figured. Validity of the



reserve list was one year. During the validity of the reserve list i.e. on 15.05.2021, the appellant-Bank sent a fresh requisition for filling up 127 posts of Officers (Scale-I) out of which 53 were meant for the general category. In such a circumstance, in terms of the afore reproduced Clause of the advertisement dated 21.07.2020, the candidates from the valid reserve list were first required to be offered appointments as per merit especially when no reason is forthcoming from either the written statement filed by the appellant-Bank before the learned Single Judge or in the grounds of the instant appeal as to why, the appellant-Bank before forwarding the fresh requisition did not offer appointment to candidates from the reserve list. In the absence of any justifiable reasons, the appellant-bank could not do so and this is exactly what the learned Single Judge, through the impugned judgment, has directed the appellant-Bank to do.

9. In the light of the above discussion, we find no error, legal or factual, in the impugned judgment.
10. Dismissed.
11. All pending miscellaneous application(s) also stand disposed of.

(DEEPAK SIBAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

September 25, 2024
Nisha Yadav

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No