

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.21 of 2023

In
Civil Writ Jurisdiction Case No.20504 of 2019

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Pappu Kumar S/o Suresh Raut Resident of Village- Malipur Pakri, P.O. and
P.S.- Bhasar Macchaha, District- Sitamarhi.

... .. Appellant/s

Versus

1. The Chairman, Bank of India Head Office, Lukhnow.
2. The Zonal Manager, Muzaffarpur Zone, Bank of India, Muzaffarpur.
3. The Branch Manager, Bhasar Macchaha Branch, Bank of India, Sitamarhi.
4. The Committee for appointment on Class forth Post, Bank of India, Muzaffarpur.
5. Mr. Deepak Kumar S/o Nand Kishore Ram, Human Resources Department, Circle Office, Bank of India, Muzaffarpur
6. Mr. Manoj Paswan S/o Mahesh Paswan, Human Resources Department, Circle Office, Bank of India, Muzaffarpur.
7. Mr. Md. Tanveer S/o Md. Taslim, Human Resources Department, Circle Office, Bank of India, Muzaffarpur

... .. Respondent/s

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Appearance :

For the Appellant/s :	Mr. Shailendra Kumar Singh, Advocate
For the Respondent-Bank:	Mr. Rupak Kumar, Advocate
For the Respondent no.7 :	Mr. Ramhriday Prasad, Advocate
	Mr. Sanjiv Kumar, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 17-02-2025

The appellant has challenged the judgment of
the learned Single Judge dated 29.11.2022 passed in
CWJC No.20504 of 2019 whereby his prayer for being
considered for regularisation has been rejected.



2. The contention of the appellant is that in fact he had raised several issues before the learned Single Judge, one being to absorb him in regular service whereas the other was that respondents No.5, 6 and 7 were wrongly selected even when they did not qualify for being considered.

3. It appears from the records as also from the counter affidavit of the Bank of India filed in the writ proceedings that age relaxation was given to daily wagers for regular appointment of Sepoy/Safai Karmchari. The appellant also was given age relaxation and he had appeared in the interview but had obtained much less marks than the last of the selected candidate in SC category.

4. With respect to the assertion of the appellant that respondents No.5, 6 and 7 did not qualify for being considered, it was the contention of the Bank that according to the Memorandum of Settlement, the appointment process had to take in people from open



market as also the daily wagers working in the Bank.

5. The allegation against respondents No.5, 6 and 7 have been specifically answered in the aforementioned counter affidavit, viz., that Manoj Paswan (respondent No.6) had worked for 240 days in the Bank from 15.01.2011 to 22.10.2012 which was reflected from the certificate issued by the Bank branch. Thus, he too was given age relaxation as per the Memorandum of Settlement dated 25.06.2013.

6. With respect to Md. Tanveer (respondent No.7), it was averred that he was selected from the open channel on account of his merit in the interview.

7. The accusation of the appellant with respect to Deepak Kumar (respondent No.5) is that he was selected after being shown undue favour because of his brothers employed in the Bank.

8. The aforementioned allegation has also been rebutted by the Bank stating that no favour was shown to him and that, in fact, he obtained qualifying marks in his



category and, therefore, was appointed.

9. Mr. Rupak Kumar, the learned Advocate for the Bank has taken us to the select list which reflects the marks obtained by each of the candidates. The last of the candidate in the SC category had obtained 32 marks whereas the appellant had obtained only 27 marks.

10. Under such circumstances, the learned Single Judge was absolutely justified in rejecting the contention of the appellant.

11. We hold no different view.

12. The appeal has no merits and is thus dismissed.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Saurabh/Rajesh

AFR/NAFR	NAFR
CAV DATE	NA
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