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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2025

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.Nos.8120, 7748 and 7007 of 2019

and W.M.P.Nos.7731, 8390 and 8712 of 2019

W.P.No.8120 of 2019:

Baskar Sarkar

.. Petitioner

vs

1.General Manager (HRM),
Bank of Baroda,
Baroda Corporation Centre,
C-26, G-Block, Bandra Kula Complex,
Mumbai – 400 051.

2.The Deputy General Manger, (CMR)
Bank of Baroda
10, C.P.Ramaswamy Road,
IInd Floor, Alwarpet,
Chennai – 600 018.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India,
praying to issue a Writ of Certiorarified Mandamus to call for the records of
the 2nd respondent in RO.CMR.HRM.55/371, dated 30.01.2019 and quash
the same and consequently direct the respondents to appoint the petitioner in
the post of Clerical cadre of the 2nd respondent Branch.



W.P.No.7748 of 2019:

Anil Kumar Singh

.. Petitioner

vs

1.General Manager (HRM),
Bank of Baroda,
Baroda Corporation Centre,
C-26, G-Block, Bandra Kula Complex,
Mumbai – 400 051.

2.The Deputy General Manger, (CMR)
Bank of Baroda
10, C.P.Ramaswamy Road,
IInd Floor, Alwarpet,
Chennai – 600 018.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in RO.CMR.HRM.55.368, dated 30.01.2019 and quash the same and consequently direct the respondents to appoint the petitioner in the post of Clerical cadre of the 2nd respondent Branch.

W.P.No.7007 of 2019:

Biswan Ranjan Pattanaik

.. Petitioner

vs

1.General Manager (HRM),
Bank of Baroda,
Baroda Corporation Centre,
C-26, G-Block, Bandra Kula Complex,



Mumbai – 400 051.

2.The Deputy General Manger, (CMR)

Bank of Baroda

10, C.P.Ramaswamy Road,

IInd Floor, Alwarpet,

Chennai – 600 018.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in RO.CMR.HRM.55.370, dated 30.01.2019 and quash the same and consequently direct the respondents to appoint the petitioner in the post of Clerical cadre of the 2nd respondent Branch.

For Petitioners: Mr.M.Chandru
for M/s.Murali Law Firm
For Respondents: Ms.V.M.Sreenidhi
for Mr.G.Anaandakrishnan

COMMON ORDER

Heard the learned counsel for the petitioners and the learned counsel for the respondents and perused the materials available on record.

2. As the issue involved in all the writ petitions is one and the same and hence, all the writ petitions are heard together and are being disposed of by this common order.



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3. The case of the petitioners' in brief is that the petitioners having being Ex-serviceman retired from defence services had applied for selection to the clerical cadre post pursuant to the common recruitment process for recruitment of clerks undertaken by Institute of Banking Personnel Selection (IBPS) for the year 2018-2019, of which the respondent is one the participating Bank.

4. It is also further case of the petitioners that they have been selected in the recruitment process and while expecting to be provided with an opportunity for participating in the Bank, however, were issued with the impugned letter under which the provisional allotment for appointment in clerical cadre, has been cancelled on the ground of failure to pass language proficiency test in local language of the State/Union Territory.

5. It is further case of the petitioners that the respondents cannot reject the candidature of Ex-serviceman who have qualified in written



examination/IBPS examination simply on the ground of not being proficient in local language of an area, which action it is contended being the same is not appropriate in terms contrary to the OM dated 12.02.1996 issued by the Department of Personnel and Training (DoPT), prescribing relaxed standard of selection of Ex-servicemen.

6. The petitioner in WP.No.8120 of 2019 further contended that he has undergone six (6) months Tamil Language course from Utkal Cultural University and they can write and read fluently the language, but understand/speak the language slowly. Similar plea is also raised by other petitioners and it is their case that if the petitioners are given a chance in the respondent's organisation, they will perform their duties with utmost satisfaction and sincerity.

7. The petitioner by contending as above seek for setting aside the impugned order by affording an opportunity of appointment to work in the clerical cadre of the respondent's bank.



8. Per contra, the learned counsel appearing for the respondents would first drew the attention of this Court to the notification issued by the Institute of Banking Personnel Selection (IBPS) for undertaking recruitment to the post of clerks in participating organisations/Bank for vacancies of the year 2018-19, wherein, it is stated that the candidates can apply for vacancies in any one State/Union Territory only; and that the petitioners on their own volition have chosen the State of Tamil Nadu to work with the participating organisations /banks.

9. On behalf of the respondents, it is contended that in the notification issued under the head 'Educational Qualification' it has been categorically mentioned that Proficiency in the Official Language of the State/Union Territory is required (candidates should know how to read/write/speak the Official Language of State/Union Territory), for which, the candidates wishes to apply.

10. On behalf of the respondents, it is further contended that based on the written test conducted by the IBPS, the candidates provisional allotment is subject to the candidates full-filing the criteria laid down by the



participating organisation and since, the petitioners had been allotted to the respondent participating organisation Bank are required to undergo proficiency test of the State / Union Territory as opted by them to ascertain proficiency of local language as follows:

'(a).writing- the candidate would be dictated three or four lines in local language to write.

b) speaking- converse with the committee in local language and

c) reading - candidate would be asked to read 4 or 5 lines etc.,'

11. On behalf of the respondents, it is also contended that the respondents while issuing provisional allotment letter to the petitioners for their appointment in clerical cadre, has specified the aforesaid conditions and it is also stated that in the event of the candidates not qualifying the provisional test, he/she will be granted one more opportunity by way of extension upto three(3) months in joining the Banking service, within which time, the petitioner has to re-appear for the test; and that failure to pass the test will lead to cancellation of the provisional allotment in terms of the notification issued by IBPS on behalf of the participating organisations.



12. On behalf of the respondents, it is also contended that the petitioners were not only given one opportunity to qualify the Proficiency Test but were given 3 opportunities and inspite of the indulgence shown by the respondents giving such opportunities, the petitioners did not qualify the proficiency test and thus, the provisional allotment has been cancelled by the impugned proceedings as the petitioners are required to work within the State they had chosen at the time of applying for the vacancy and the clerical cadre post being transferable only within State and not inter State.

13. By contending as above, the learned counsel for the respondents submits that since, the petitioners did not qualify the proficiency test, the impugned order is passed cancelling the allotment and same does not warrant any interference and seeks for dismissal of the writ petitions.

14. I have taken note of the respective contentions urged.

15. At the outset, it is to be noted that though the notification issued by the respondents clearly states that proficiency in official language of the



State/Union Territory, in which vacancies exists and the candidates wishing to apply is preferable, requiring the candidates should know how to read, write and speak the Official Language of the State/Union Territory, it is not known as to why the petitioner choose to opt in the State of Tamil Nadu, if he did not know the local language, at the first instance.

16. Further, the petitioner on being provisionally selected were issued with provisional allotment for appointment in clerical cadre by the respondents vide letter dated 05.05.2018, whereby, it has been clearly stated that the petitioners are required to clear the proficiency test and failure to do so would result in cancellation of the candidature. Though, in the aforesaid letter of provisional allotment issued by the respondents states that the candidates being given two opportunities for clearing the proficiency test admittedly, the petitioners did not qualify the proficiency test.

17. In the facts of the present case, the petitioners not only did not qualify the proficiency test in two opportunities but infact, was provided one more opportunity to clear the proficiency test, in which also the petitioners have failed. Since, the terms of notification under which the petitioners have



applied for being appointed to the post of clerical cadre through the common recruitment undertaken by IBPS on behalf of participating organisations / Bank and also the letter of provisional allotment issued by the participating organisations like the respondents herein and the petitioners having accepted the aforesaid letter at the first instance and having failed to clear the proficiency test which is one of the conditions and appointment cannot challenge the action of the respondents in cancelling the provisional allotment by contending that the said conditions to be onerous or insistence to comply with the said condition being contrary to OM issued by the DoPT dated 12.02.1986.

18. Thus, this Court is of the view that the challenge in the writ petitions has to fail and accordingly, the writ petitions are dismissed as devoid of merits. No costs. Consequently connected miscellaneous petitions are closed.

30.10.2025

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

msv



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T. VINOD KUMAR, J.

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