



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 19.02.2025

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THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.30144 of 2014

and

M.P.No.1 of 2014

1.R.Sudarshan
2.R.Sivakumar

... Petitioners

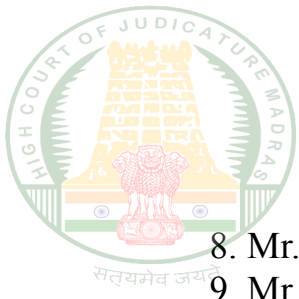
Vs.

1.The Deputy General Manager,
Zonal Office-Chennai.,
Bank of Baroda,
Second Floor, Baroda Pride,
No.41, Luz Church Road, Mylapore,
Chennai - 600 004.

2. The Regional Officer,
Bank of Baroda, Regional Office,
Chennai Rural Region,
No.123, R.L.Road,
Dugar Towers, Egmore, Chennai - 600 008.

(R1&R2 are cause title amended as per order
dated 18.07.2024 in W.P.No.30144 of 2014
by PTAJ)

3. Mr.Sathyadas
4. Ms.Priya
5. Mr.Karim
6. Mr.Sathishwaran
7. Mr.Sabarinathan



8. Mr.Arunachalam

9. Mr.Mahesh

10. Mr.Mahendran

11. Mr.Indirakumar

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Declaration, declaring the selection made by respondents 1 and 2 for the post of Peon in Tamil Nadu and Pondicherry States is illegal, bad and unconstitutional and consequently direct them to consider the candidature of the petitioners for the post of Peon in the respondent Bank within a time frame fixed by this Court.

For Petitioner : Mr.V.Sivaraman

For R1&R2 : Ms.Pavithra Ragavi
For Mr.C.Seethapathy

For R3 to R11 : No appearance

ORDER

This writ petition has been filed seeking the appointment of the petitioners by setting aside the Recruitment Board's selection process.

2. The learned counsel for the petitioners submitted that the petitioners had applied for the post of Peons in the erstwhile Vijaya Bank, now Bank of Baroda, and the cause title has already been amended.



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3. The learned counsel further submitted that applications were invited by Vijaya Bank for the recruitment of Peons in Tamil Nadu. However, candidates from Delhi were selected, which is against the rules.

4. The learned counsel also submitted that a settlement was reached between the employees and the Bank, according to which, out of 379 vacancies, 265 were to be earmarked for individuals who had been working as temporary Peons for more than 90 days, while the remaining 114 vacancies were to be allocated to the general public. However, the temporary Peons were also treated as general candidates, which is against the agreed-upon terms.

5. The learned counsel for the respondents, relying on the counter-affidavit, contended that a settlement was reached between the temporary employees and the Bank, resulting in an agreement of settlement as found in Extract 'A', wherein it was specifically agreed that:

6. The provisions contained in this Understanding shall not debar any candidates from participating in the direct recruitment process initiated by the Bank for the recruitment of Peons, provided they meet the eligibility



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criteria set forth in the recruitment notification issued by the Bank.

7. This Understanding was arrived at as a one-time measure in light of the peculiar circumstances and in the interest of maintaining cordial industrial relations.

8. With regard to the allocation of marks for temporary employees, those who had worked as temporary Peons were given weightage as follows:

- 1.5 marks for every 30 days of temporary engagement as a Peon during the period from 01.07.1988 to 31.03.2010.

9. 1 mark for every 30 days of temporary engagement as a Peon during the period from 01.04.2010 to 31.03.2013, subject to a maximum of 70 marks.

10. Any fractional marks were to be ignored.

11. The counsel for the respondents further contended that temporary employees employed by the Bank could compete under both reserved and general categories. He also referred to the recruitment notification issued by the Bank, specifically Clause 8, which outlines the eligibility criteria as



follows:

WEB COPY 12. Eligibility Criteria: Nationality / Citizenship:

A candidate must be either:

- (i) a citizen of India, or
- (ii) a subject of Nepal, or
- (iii) a subject of Bhutan, or
- (iv) a Tibetan refugee who came to India before 01.01.1962 with the intention of permanently settling in India, or
- (v) a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka, East African countries of Kenya, Uganda, the United Republic of Tanzania (formerly Tanganyika and Zanzibar), Zambia, Malawi, Zaire, Ethiopia, and Vietnam, with the intention of permanently settling in India, provided that candidates belonging to categories (ii), (iii), (iv), and (v) should possess a certificate of eligibility issued by the Government of India.

A candidate requiring a certificate of eligibility may be admitted to the interview conducted by the Bank, but an appointment will only be offered upon submission of the necessary eligibility certificate issued by the Government of India.

13. Another condition concerning language proficiency is detailed in

Clauses 10 and 11 as follows:

10. The candidates should be able to read, write, and speak the regional language.

11. Selection will be based on an interview.

Merely meeting the eligibility norms does not entitle a candidate to be called for an interview.

The Bank reserves the right to call only the



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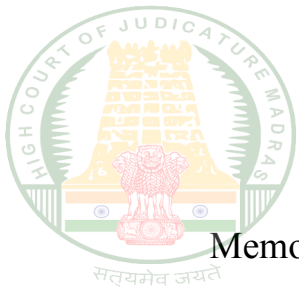
requisite number of candidates for the interview after preliminary screening/shortlisting based on qualifications and suitability.

14. Merely satisfying the eligibility criteria does not entitle candidates to be called for an interview, as specified in the recruitment notification, which states:

The Bank invites applications for the recruitment of Peons in the Andaman and Nicobar Islands, Puducherry, and Tamil Nadu. The learned counsel for the Bank argued that the recruitment notification for Coimbatore specifically stated that the vacancies were for Tamil Nadu. In contrast, the notification issued by the Chennai office mentioned vacancies for the Andaman and Nicobar Islands, Puducherry, and Tamil Nadu. Therefore, the interpretation that only candidates from these areas were eligible is incorrect.

15. On the other hand, the learned counsel for the petitioners contended that one of the selected candidates, named Indirakumar, was selected from Delhi, and Arunachalam, an ex-temporary employee, was also selected. Both individuals have been arrayed as respondents Nos. 8 and 11.

16. After reviewing the counter-affidavit filed by the Bank, the

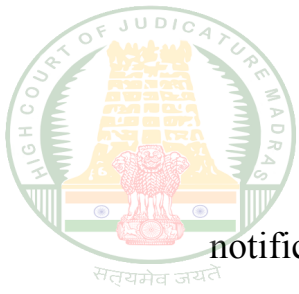


Memorandum of Understanding between the Bank and the workers' union, and the recruitment notifications dated 18.06.2014 for the Coimbatore region and 19.06.2014 for the Chennai region, I find that both contentions raised by the petitioners are unsustainable.

17. The first contention, that the recruitment was restricted to candidates from specific localities, is without merit since there is no such restriction in the eligibility criteria.

18. Regarding the contention about part-time versus full-time employees, there is no explicit restriction. A certain number of vacancies were reserved for temporary candidates who had already worked in the Bank, while others were permitted to compete under the general category. The selection committee was duly constituted by the Bank, comprising a Chief Manager, a Senior Manager, an officer from the SC/ST category, an officer from a minority community, and a female officer.

19. In the absence of any restrictive clause in the recruitment



notification, and considering the weightage given to temporary Peons, this Court finds no merit in the arguments presented by the petitioners.

20. Accordingly, this writ petition is dismissed. No costs.

Consequently, the connected miscellaneous petition is closed.

19.02.2025

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Index:Yes/No

Speaking Order:Yes/No

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RMT.TEEKAA RAMAN,J.,

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