

2025:PHHC:010626



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

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CWP-7145-2022

Date of decision: 23.01.2025

SUMEGHA

.....Petitioner

VERSUS

UNION BANK OF INDIA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Ankur Lal, Advocate
for the petitioner.

Mr. K.K. Gupta, Advocate
for the respondents.

VINOD S. BHARDWAJ, J. (Oral)

Aggrieved of the communication dated 21.03.2022 (Annexure P-9) sent by respondent No.2 i.e. the Assistant General Manager, Human Resource Department, Union Bank of India vide which the offer of appointment to the post of Manager (Risk) MMGS-II extended to the petitioner has been cancelled, the present writ petition has been filed seeking a further consequential relief of directing the respondents to issue the joining letter to the petitioner to the said post.

2. The core question which arises for consideration before this Court is as to whether the experience possessed by the petitioner during her



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posting as a Financial Analyst in Xoriant Solutions Pvt. Ltd. pertaining to counter party risk-data management using SQL queries would be equivalent to the required work experience prescribed by the respondent-Union Bank of India pertaining to “Credit risk and risk modeling in financial institutions/rating agencies/brokerage firms”.

3. Learned Counsel appearing on behalf of the petitioner contends that the respondent-Bank had issued a recruitment notification dated 12.08.2021 for the post of Manager (Risk) MMGS-II. In so far as the aspect of eligibility and educational qualification of the petitioner is concerned, the same need no elaboration since it is not disputed by either of the parties. The dispute revolves around the respondent-Bank holding that the petitioner does not possess the work experience as notified by the respondent-Union Bank of India, hence, the relevant part of the notification pertaining to work experience is extracted as under:-

“Work Experience:

Relevant post qualification of Risk related work experience in Credit Risk and Risk Modeling in Financial Institutions/Rating Agencies/Brokerage Firms-Minimum 2 Years.”

4. It is submitted that the petitioner participated in the selection process and had obtained 120 marks in the online examination out of 200. She was ranked 2nd out of the total 151 applicants who had appeared for the online examination. She was thereafter intimated about the schedule of the interview for the captioned post to be held on 13.12.2021. The petitioner appeared for the said interview and in the final list/merit list of the selected



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candidates under the UBRP 2021-2022, the petitioner’s name figured at 1st rank in the order of merit. A provisional offer letter was sent by the respondent-Bank to the petitioner which was received vide E-mail on 20.01.2022. The petitioner was thereafter required to appear before the Personal Interview Board on the time slots allotted and a communication was also received seeking clarification as to the experience certificate submitted by the petitioner at the time of verification of the documents being not as per the proper format and it was also not as per the notification issued by the respondent-Bank. The petitioner accordingly submitted a fresh work experience certificate which shows the period of her work experience alongwith the designation and the nature of work performed, which is extracted as under:-

Period From	Period To	Designation	Nature of duties performed
3 July 2019	31 Jan 2022	Financial Analyst	Counterparty risk-Data Management Using SQL queries

5. He contends that notwithstanding submission of the work experience certificate as per the format so approved, the respondent-Bank has cancelled the candidature of the petitioner vide communication dated 21.03.2022 (Annexure P-9) for the following reasons:-

“During verification/scrutiny of documents/Experience Certificate submitted by you for completion of pre-recruitment formalities, it is observed that you are/were working in Xoriant Solutions Pvt. Ltd.



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(Software company Product Development Engineering & Product consulting Services Company) which does not confirm your experience in Risk in FI/Rating Agency/Brokrage Firm as notified by the Bank. Hence, the provisional offer of appointment No. मसं: ५८१: HRD: REC:0331:2022 dated 19.01.2022 stands cancelled.”

6. Learned Counsel contends that the experience certificate of the petitioner clearly shows that she was working as a Financial Analyst and was performing the duties of counter party risk data management and therefore was dealing with the financial risk factors involved. Further, she fulfilled the eligibility qualification of having done an MBA (Finance) and having been actively associated with the work experience of credit risk and risk modeling in financial institutions, hence, the said work experience ought to have been taken into consideration. He contends that the rejection of the candidature of the petitioner was thus not based upon correct appreciation of her qualification and the nature of duties performed by the petitioner and that the order deserves to be set aside.

7. Counsel for the respondent-Union Bank of India on the other hand contends that while the academic qualifications of the petitioner are not in dispute, the controversy is only with respect to the work experience of the petitioner. He contends that the work experience certificate submitted by the petitioner does not conform to the requirements of the financial institution. The petitioner was working as a Risk Data Analyst and was not dealing with the ‘credit risk and risk modeling in financial institution/rating agencies or the brokerage firms’. The work profile of the petitioner as well as the nature of duties performed by her were duly taken into consideration by the



employer and it was found to be not adhering to the job requirements prescribed. It is submitted that the experts on the subject in the Bank have examined the said issue and informed that the same are not to be in consonance with advertisement and under such circumstances, she does not fulfill the work experience requirements notified by the Bank. The candidature has thus rightly being rejected. He specifically refers to the averments contained in reply to para No. 16 which reads thus:-

“16. That the contents of para no. 16 of the writ petition are wrong and hence denied. The subsequent submission of the experience certificate does not satisfy the requirement as stipulated in the advertisement. The experts on the subject in the Bank have already examined the issue and found the same to be not in consonance with the advertisement which clearly establishes that the same does not fulfill the work required in the advertisement wherein a candidate was required to have minimum two years post qualification experience of Risk Related Work Experience in Credit Risk and Risk Modeling in Financial Institutions / Rating Agencies / Brokerage Firms, whereas the certificate (Annexure P-11) disclosed that the petitioner had performed Counterparty Risk Data Management using SQL queries. It is thus wrong to say that the petitioner fulfilled the requirement as stipulated in the advertisement.”

8. He vehemently argues that the employer has already comparatively examined the respective work profile as also whether the nature of duties performed by the petitioner conforms to the requirements of

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the respondent-Bank. The requirement of an employer would not ordinarily be substituted by the Court which is not an expert in the subject matter.

9. No other argument has been advanced by either of the parties nor any judgment cited.

10. Counsel for the petitioner has been confronted as to on what basis can the work profile viz. the nature of duties performed in the nature of 'counter party risk-data management' can be equated to a work experience in 'credit risk and risk modeling in financial institutions/rating agencies/brokerage firms', however he does not have an answer for the same.

11. Counsel for the petitioner although made an attempt to contend that the company i.e. Xoriant Solutions Pvt. Ltd. did have a working experience of financial institution, however, the exposure of the employer i.e. Xoriant Solutions Pvt. Ltd. cannot be perceived as an experience of the petitioner in the same field as well. The job requirement notified by the respondent-Bank was that the candidate is supposed to have the work experience in credit risk and risk modeling in financial institutions/rating agencies/brokerage firms. Apparently, the certificate issued to the petitioner does not confirm to the said requirement and the said fact has already been considered by the experts in the financial institution as deployed by the respondent-Bank.

12. The primary burden lies on the petitioner to establish that the job profile of the petitioner matches and answers the job experience prescribed by the respondents. There can be no such presumption of



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experience. The nature of functions to be performed in a Banking sector may be at huge variance than a logistic “data management counter party risk”. The petitioner has failed in discharging even the primary onus.

13. Under the given circumstances, in the absence of any material to reflect that the job profile of the petitioner actually answered to the requirement as advertised by the respondent-Bank and in the absence of any law to the support the case of petitioner, I find that the job specifications are to be best determined by the employer and that the assessment of the work profile once undertaken by the experts of the employer would not be ordinarily interfered by the Court in exercise of its powers of judicial review.

14. The present writ petition is accordingly ***dismissed***.

(VINOD S. BHARDWAJ)
JUDGE

JANUARY 23, 2025
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No