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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% **Date of decision: 11.12.2025**

+ **W.P.(C) 2478/2020 & CM APPL. 8642/2020**

SHRI VIJOY JOSHI

..... Petitioner

Through: Mr. Rakesh Kumar Gogia and
Ms. Deeksha Sharma, Advs.

versus

PUNJAB NATIONAL BANK

.....Respondent

Through: Ms. Arti Singh and Mr.
Aakashdeep Singh Roda, Advs.

CORAM:

HON'BLE MR. JUSTICE AVNEESH JHINGAN

AVNEESH JHINGAN, J. (ORAL)

1. This petition is filed seeking directions for setting aside the interview process initiated on 25.02.2020 for fresh empanelment for the Financial Year (in short F.Y.) 2020-21.

2. The brief facts are that on 17.04.1985 the petitioner joined the United Bank of India as a Probationary Officer. From August 2017 to July 2019, the petitioner was holding the post of Chief Regional Manager. On 06.04.2019 the interviews were held for preparing a panel for promotion from SMG Scale-V to Scale-VI for F.Y. 2019-20.

2.1 The interviews were held and twelve vacancies were filled by the selected candidates. The petitioner was at serial no. 2 in the waiting list. On 26.02.2020 the bank issued an interview letter for formation of the panel for F.Y. 2020-21. The petitioner chose not to participate in the interview process for vacancies arising during F.Y. 2020-21. The Union Bank of India merged with the Punjab National



Bank. The petitioner took voluntary retirement on 15.09.2020.

3. This petition is filed raising the grievance that during F.Y. 2019-20 the waiting list for candidates to be promoted to the post of SMG Scale-VI was valid and the respondents erred in initiating the interview process on 25.02.2020.

4. Learned counsel for the petitioner relies upon the promotion policy for the officers of United Bank of India as amended upto 31.05.2019 to contend that the supplementary waiting list/panel was valid upto 31.03.2020 and till then no fresh process could have been undertaken by the bank for promotion. Reliance is placed upon the decisions of the Supreme Court in **A.P. Aggarwal Vs. Govt. of NCT of Delhi and Anr. (2000) 1 SCC 600** and **R.S. Mittal Vs. Union of India 1995 Supp (2) SCC 230**.

5. Per contra, the panel for F.Y. 2019-20 expired on 31.03.2020. The petitioner chose not to appear in the interview process held for F.Y. 2020-21, had sought voluntary retirement and no cause of action survives for pursuing the present petition.

5.1 The submission is that twelve posts determined for F.Y. 2019-20 were filled with the selected candidates who were higher in merit than the petitioner. There was no vested right in favour of the petitioner to claim promotion on the basis of being at serial no. 2 in the waiting list.

6. Heard learned counsel for the parties at length. No other issue than the one noted above has been pressed.

7. It would be relevant to note that Regulation 2.1 of the Promotion Policy stipulates that the management has to determine the



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number of vacancies to be filled in, on each occasion of promotion from one scale to the next higher scale. All vacancies likely to arise in the F.Y. shall be taken into account for this purpose. As per Regulation 2.2 of the Promotion Policy, the vacancies proposed to be filled in the relevant scale for promotion upto SMG Scale-V shall be declared by the bank. The competent authority has the sole discretion to promote a lesser number of officers than the declared number of vacancies. Regulation 7 of the Promotion Policy deals with the preparation of the merit list and sub clause (vi) provides for preparation of a supplementary waiting list/panel which is to be valid upto 31st March.

8. It is an admitted case of the petitioner that the vacancies determined by the bank for F.Y. 2019-20 were twelve and were filled by the selected candidates. None remained vacant thereafter.

9. The law is well settled that the placement of a candidate in a reserve panel shall not create a vested right. The right to be considered arises only in the contingency of selected candidates not joining the posts and the waiting list operates for a limited period. Reference in this regard be made to the decision of Supreme Court in **The Union of India and Ors. Vs. Submit Kumar Das 2025 INSC 1235:**

“12.While considering the entitlement of the respondent to any relief on the basis of his placement in the Reserved Panel, it would be necessary to bear in mind the settled position that mere placement in the wait list does not create any vested right for being so appointed. The right to be considered for appointment would spring only in the contingency of a selected candidate not



joining on his post. The wait list operates for a limited period. It cannot extend for an indefinite period and in any event after a fresh process of recruitment has commenced. This legal position is well settled and reference can be made to the decision of a three Judge Bench in *Gujarat State Dy. Executive Engineers' Association v. State of Gujarat*. In paragraph 9, it has been held as under:

“9. A waiting list prepared in an examination conducted by the Commission does not furnish a source of recruitment. It is operative only for the contingency that if any of the selected candidates does not join then the person from the waiting list may be pushed up and be appointed in the vacancy so caused or if there is some extreme exigency the Government may as a matter of policy decision pick up persons in order of merit from the waiting list. But the view taken by the High Court that since the vacancies have not been worked out properly, therefore, the candidates from the waiting list were liable to be appointed does not appear to be sound. This practice, may result in depriving those candidates who become eligible for competing for the vacancies available in future. If the waiting list in one examination was to operate as an infinite stock for appointments, there is a danger that the State Government may resort to the device of not holding an examination for years together and pick up candidates from the waiting list as and when required. The constitutional discipline requires that this Court should not permit such improper exercise of power which may result in creating a vested interest and perpetrate waiting list for the candidates of one examination at the cost of entire set of fresh



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candidates either from the open or even from service.”

(emphasis supplied by us).

From the aforesaid, it is clear that any right that the respondent could claim as a waitlisted candidate extinguished when all the selected candidates joined on their respective posts.”

10. The grievance raised by the petitioner against the initiation of the interview process for fresh empanelment is ill-founded. The document for initiation of the proceedings are not placed on record but it is not disputed rather it is specifically pleaded in the petition that the interviews were for empanelment for the F.Y. 2020-21.

11. As per Regulation 7 sub clause (vi), the waiting list was valid upto 31st March of the end of the F.Y. i.e. 31.03.2020 in the present case. The interviews held by the bank for F.Y. i.e. 2020-21 were in consonance with Regulation 2, it had no effect on the supplementary waiting list/panel for the F.Y. 2019-20 inspite of the fact that the interviews for empanelment for F.Y. 2020-21 were held prior to 31.03.2020.

12. It would be relevant to note that the regulations provided discretion to the competent authority to promote a lesser number of officers than the declared vacancies but in the present case the declared vacancies were filled and there was no case of selected candidates not joining the promoted posts.

13. It is also not disputed that the petitioner was considered for promotion for F.Y. 2020-21 and was issued a letter for interview but he chose not to appear.



14. The reliance by the learned counsel for the petitioner on the two decisions of Supreme Court is of no avail and is not applicable in the facts of the present case. There cannot be a quarrel on the proposition that the waiting list cannot be given an arbitrary go-by for resorting to fresh selection process. Whereas in the case in hand, the fresh interviews were for F.Y. 2020-21 and not for F.Y. 2019-20 in which year the petitioner was in the waiting list.

15. No case is made out for interference in the writ jurisdiction.

16. The writ petition is accordingly dismissed.

AVNEESH JHINGAN, J

DECEMBER 11, 2025/Pa

Reportable:- Yes