

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5872 of 2026

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Rajnish Kumar Son of Kumar Rajeev Ranjan, Resident of West Gandhi Maidan, P.S and District- Jehanabad.

... .. Petitioner/s

Versus

1. The Managing Director, Punjab National Bank Sector-10, Dwarika, New Delhi.
2. The General Manager, Human Resource Department, Punjab National Bank, Sector-10, Dwarika, New Delhi.
3. The Zonal Manager, Punjab National Bank, Bihar Zone, R-Block, Chanakya Place, R-Block, Patna.
4. The Chief Manager, Human Resource Department, Divisional Officer, Punjab National Bank, Chandpura Bhawan, West Gandhi Maidan, Bank Road, Patna-800001.
5. The Chief Manager, Human Resource Development Department, Division Office Gaya, RJ Palace, Rai Kashinath More, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Siya Ram Shah, Advocate
	:	Mr. Gajendra Kumar, Advocate
For the Respondent/s	:	Mr. Suryakant Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 21-04-2026 Heard the parties.

2. The present writ petition has been filed for the following reliefs:-

- (i) *For issuance of appropriate writ/writs, order/orders, direction/directions for quashing the letter no. 2026 dated 19.03.2026 issued under the signature of respondent no. 5 (The Chief Manager) whereby and whereunder representation of petitioner to appoint him on vacant Class IV Post of Peon as he has 67.92% of weightage marks but respondent*



authorities by holding that on resignation of selected candidates, next candidate in merit-list has not accrued any right to be considered and selected and rejected the representation of petitioner.

(ii) For issuance of appropriate writ/writs, order/orders, direction/directions commanding the respondent authorities to consider and appoint the petitioner on the post of Peon in pursuance of advertisement dated 07.03.2021 at Jehanabad as he fulfilled all the required criteria.

3. At the outset, the learned counsel for the petitioner submits that pursuant to advertisement dated 07.03.2021 for appointment on the post of Peon in the district of Patna and Jehanabad in the Punjab National Bank, the petitioner submitted his application. Altogether, 15 posts were required to be filled up and out of 15, 2 posts under unreserved category was earmarked for the district of Jehabanad. The petitioner duly submitted his application before 23.03.2021, i.e. the last date of application. A merit list was published on 15.07.2021, but name of the petitioner was not found place in the said merit list and he was not even called for verification of his documents. He submitted a representation on 29.07.2021. When no steps were taken by the respondent Bank, the petitioner was constrained to



file a writ petition bearing C.W.J.C. No. 16080 of 2021, which was dismissed vide order dated 07.02.2024, as not pressed, with a liberty to the petitioner to approach the respondent authorities for redressal of his grievance. The petitioner filed a representation before the respondent authorities and when the order was not being complied with, the petitioner filed a Contempt Petition bearing M.J.C. No. 3367 of 2024, however the said contempt petition was also withdrawn vide order dated 12.12.2025. Subsequently, the petitioner again filed a writ petition bearing C.W.J.C. No. 1087 of 2026 and the said writ petition was disposed of by a learned Co-ordinate Bench of this Court vide order dated 03.02.2026 with a direction to the petitioner to file a representation before the respondent no.4 and the respondent no.4 was directed to pass a speaking and reasoned order within a period of four weeks thereafter.

4. The learned counsel for the petitioner submits that in compliance thereof, he filed a representation before the competent authority of the Bank, but the same has been rejected by the Chief Manager, Circle Office, Gayaji vide letter no. 2026 dated 19.03.2026. The learned counsel for the petitioner submits that the petitioner is duly qualified for being appointed on the post of Peon and although 6 persons were appointed in the year



2021 itself, but due to resignation of one person, one post is vacant and therefore, the petitioner deserves to be considered on the said post for being appointed as a Peon.

5. Per contra, the learned counsel for the Respondent-Bank submits that the appointment was made in the year 2021 itself and all the persons started discharging their respective duties, however due to resignation of one person, one post is vacant. He further submits that it is an admitted fact that the petitioner had applied, pursuant to the advertisement, but, at the relevant time, he was not called for selection or joining. Further submitting an application does not give any person the right to be considered for appointment. Subsequently, on account of resignation one post remained vacant.

6. Having considered the rival submission and after going through the record, it appears that the appointment took place in the year 2021, in which the name of the petitioner was not included in the merit list. Subsequently, one person submitted his resignation, therefore, one vacancy arose. The petitioner cannot be adjusted/appointed on the said post. The law in this regard is very much clear. The Hon'ble Supreme Court of India in a recent pronouncement reported in **2026 INSC 276 (State of Karnataka & Ors. Versus Santhosh Kumar**



C), in paragraph no. 9 has held as follows:-

“9. *The above understanding also accords with the settled principle that inclusion of a candidate's name in a select list does not by itself confer an indefeasible right to appointment. A select list makes a candidate eligible for consideration in accordance with the governing rules. It does not create a vested right to claim appointment dehors the statutory framework. In **Shankarsan Dash v. Union of India**¹, this Court held that even where vacancies exist, a candidate whose name appears in the select list does not acquire an indefeasible right to appointment, unless the relevant rules so indicate. Similarly, in **Rakhi Ray v. High Court of Delhi, and State of Orissa v. Rajkishore Nanda**³, this Court has held that appointments must conform to the notified vacancies and the governing rules, and that a select list cannot be operated in a manner not contemplated by the statutory scheme.*”

7. Considering the above, I do not find any merit in the writ petition and the same is dismissed.

(Ritesh Kumar, J)

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