

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 9908 of 2026

Sameer Khan
-versus
State Bank of India & Ors.

Mr. Chittapriya Ghosh
... For the petitioner

Mr. Subrata Kumar Sinha
... For the SBI

Mr. Partha Sarathi Mondal
... For Union of India

1. Affidavit of service filed in Court today is taken on record.

2. The petitioner is a cent percent blind person. In response to the recruitment notice published by the State Bank of India for recruitment of Junior Associates, he applied for appointment in the Kolkata circle. He is originally from Uttar Pradesh.

3. The recruitment notice clearly mentioned in bold letters that **'there is no provision for Inter Circle Transfer/Inter State Transfer for Junior Associates to be recruited'**. The petitioner accepted the terms and conditions of the recruitment notice and participated in the recruitment process. He was successful in the same and he got an appointment in the year 2022.

4. The petitioner thereafter got married to a lady who is also cent percent blind. The couple has been blessed with a baby. Wife of the petitioner has currently

got a job in Delhi and she has shifted over there along with the child who is currently one year of age.

5. The petitioner submits that he is the sole care-giver of his wife who is a disabled lady. The petitioner requested for transfer. The prayer of the petitioner was considered by the Bank and by a communication dated 22nd December, 2025 he was intimated that the recruitment notice clearly mentioned regarding non availability of the transfer provision of the Junior Associates. There is no provision for transfer.

6. The petitioner was intimated that the Bank has a well-defined transfer policy for persons with disabilities and consistently adopted a compassionate approach. His request would be considered favourably in future. The request was finally turned down by the Bank vide communication dated 30th December, 2025 reiterating the non-availability of transfer provision.

7. Learned advocate for the petitioner relies on the transfer/posting of employees who are care-giver of disabled dependents, particularly clause 4 of the same published by the Government of India. It has been submitted that a direction may be passed upon the Bank to consider his case relying on the aforesaid guidelines.

8. Learned advocate representing the Bank opposes the prayer and submission of the petitioner. It has been submitted that the recruitment notice pursuant to which the petitioner applied clearly mentioned in bold letters that 'there is no provision for Inter Circle Transfer/Inter State Transfer for Junior Associates to be recruited'. It has been submitted that the Bank does

follow the transfer guidelines in respect of the persons with disabilities but in respect of this particular post, there is no provision for transfer.

9. It has further been submitted that the petitioner applied before the Court of the Chief Commissioner for Persons with Disabilities (Divyangjan), Department of Empowerment of Persons with Disabilities (Divyangjan) under the Ministry of Social Justice and Empowerment by filing a complaint, being DNO/26/CCPD/5773 (Shri Sameer Khan v. The Chairman, State Bank of India). The said complaint was heard by the Commissioner and upon contested hearing, the prayer of the petitioner stood rejected. Copy of the final order has, however, not been uploaded in the server of the Commissioner as yet.

10. It has been submitted that the petitioner has deliberately suppressed the fact of dismissal of the complaint before the Commissioner in March 2026 and filed the instant writ petition in April 2026. It has been submitted that the writ petition is liable to be dismissed on the ground of suppression of material fact.

11. Upon hearing the submissions made on behalf of both the parties and on perusal of the documents placed before this Court, it appears that the recruitment notice pursuant to which the petitioner applied for the job clearly disclosed non availability of the transfer policy. Accepting such position, the petitioner participated in the recruitment process and on being successful in the same was recruited in the Bank.

12. There may have been a change in the circumstances of the petitioner which has caused the petitioner to file an application seeking transfer. The petitioner being aware of the fact that the transfer policy is not applicable in respect of Junior Associates, has prayed for transfer. The petitioner also approached before the Commissioner for Persons with Disabilities and on contested hearing, failed in the said proceeding to obtain any order. The aforesaid fact has been suppressed in the writ petition.

13. The Bank has specific recruitment policy and guidelines for dealing with prayer for transfer of the persons with disabilities. The Bank has applied the same and has found that the prayer of the petitioner cannot be allowed. The Court does not find any error on the part of the Bank.

14. In view of the above, there is no scope for interfering in the instant writ petition.

15. The writ petition fails and is hereby dismissed

16. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

17. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)