



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1591/2024

Shri Amolkumar Narayan Tembhurne and others

Vs.

The Chief General Manager In charge, Human Resource Management Department,
Reserve Bank of India, Central Office, Mumbai and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri PN. Shende, Advocate for petitioner

Shri R.M. Bhangde, Advocate for respondent for respondent No.2

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATE : 02.04.2026

1. The petitioners, who are Class-IV employees in the respondent Bank, are claiming promotion to Class-III posts on the basis of a settlement arrived at between the Bank and the Union.

2. The earlier settlement, providing for promotion on the basis of merit through examination, was in force from 2014 to 2018 and was subsequently extended for a further period of five years from 2021 to 2026.

3. One of the conditions to appear in the said examination was completion of five years of service.

4. Admittedly, the petitioners' date of appointment is 02.12.2013 and they completed five years of service on 01.01.2018. However, after the petitioners completed five years of service, no examination was conducted until 2021, as no settlement was in existence during that period. The

settlement was brought into force again between the period from 2021 to 2026.

5. In the above referred backdrop, the petitioners appeared for the examination in 2021. However, they were not found meritorious and three notified vacancies were filled by candidates found meritorious. Consequently, the petitioners could not secure promotion in the year 2021.

6. Thereafter, when the examination was conducted in 2023, despite having given willingness to appear in the examination, the petitioners did not appear.

7. Thereafter, the present petition came to be filed seeking grant of promotion on the ground that, in the year 2021, when the petitioners appeared for the examination, the respondents had wrongly restricted the vacancies to three instead of eight, otherwise, the petitioners would have secured the promotion.

8. We are unable to accept the said contention for the simple reason that, subsequent to the year 2021, in 2023, the petitioners despite having given willingness to appear for the examination, did not appear. Thus, it can be said that the petitioners have waived their right, if any, arising from the examination held in 2021.

9. Furthermore, the aforesaid facts shows that if the petitioners were aggrieved by the alleged inaction in notifying only three vacancies instead of eight, they should have approached this Court immediately in the year 2021. However, the present petition came to be filed on

04.01.2024, i.e., after a delay of three years.

10. Having held so, the petition lacks merit and is accordingly dismissed. No order as to costs.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)

R.S. Sahare