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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12329/2019**

PAWAN KUMAR

.....Petitioner

Through: Mr. Sanjay Baniwal, Ms. Manisha
and Mr. R.K. Seewal, Advocates.

versus

ALLAHABAD BANK

.....Respondent

Through: Mr. Rajesh Kumar Gautam, Mr.
Aman Gahlot and Mr. Azal Aekram,
Advocates.

+ **W.P.(C) 7539/2022**

PAWAN KUMAR

.....Petitioner

Through: Mr. Sanjay Baniwal, Ms. Manisha
and Mr. R.K. Seewal, Advocates.

versus

INDIAN BANK

.....Respondent

Through: Mr. Rajesh Kumar Gautam, Mr.
Aman Gahlot and Mr. Azal Aekram,
Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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06.02.2026

1. These writ petitions have been filed by an officer of the erstwhile Allahabad Bank (now merged) challenging his non-promotion from MMG Scale III to SMG Scale IV in successive promotion processes commencing from 2019-20 to 2022-23. The challenge is not to the Promotion Policy as such. The grievance is directed against the merit lists and results for the years 2019, 2020, 2021, 2022 and 2023, on the allegation that the interviews were conducted in an arbitrary manner to exclude the Petitioner and to favour certain other officers.



2. Since the pleadings disclose substantially common grounds and the controversy turns on the same promotion policy and evaluation framework, the petitions have been heard together and are being disposed of by this common order.

Factual Matrix

3. The Petitioner joined Allahabad Bank as Scale I Probationary Officer on 16th August, 2010. He earned promotion to Scale II and thereafter to Scale III as Senior Manager.

4. The Respondent Bank, by Instruction Circular dated 7th February, 2019, circulated a reviewed Promotion Policy framed by the Board of Directors under Regulation 17 of the Allahabad Bank (Officers') Service Regulations, 1979. The said Service Regulations were framed by the Board in exercise of powers under Section 19 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, after the statutory consultative and approval process. The Bank then notified Promotion Process 2019-20 (for both mainstream and specialist officers) and invited applications for promotion from MMG Scale III to SMG Scale IV (Merit Channel/Fast Track). The Petitioner applied and participated.

5. Under the Promotion Policy applicable to Scale III to Scale IV, evaluation was based on three parameters with assigned weightage of 100 marks in aggregate:

- (i) Written/Online Test (Total marks 40),
- (ii) Performance Appraisal (APA average of last three years, marks 30),
- (iii) Interview (marks 30).

6. The Promotion Policy, *inter alia*, contains the following stipulations:

- (i) Clause 11.6: Minimum qualifying marks for Written/Online Test will



be 40%. The competent authority retains discretion to change the cut-off marks.

(ii) Clause 11.9: Officers securing less than 40% marks in average in performance appraisal reports of the preceding three financial years and/or in the interview will not be treated suitable and their names will not be included in the list of successful candidates.

(iii) Clause 11.10: The final merit list will be prepared strictly on aggregate marks obtained in the factors/parameters as per assigned weightage.

7. For Promotion Process 2019-20 (in W.P.(C) 12329/2019), the Bank fixed the cut-off for shortlisting for interview in the written test at 17.63 out of 40. The minimum qualifying marks for interview were fixed at 12 out of 30. Candidates meeting the cut-off were called for interview, and the final list was then prepared strictly on aggregate marks. The Petitioner secured 24.63 out of 40 in the written test, 25.30 out of 30 in APA and 19 out of 30 in interview, yielding an aggregate of 68.93 out of 100. The last selected candidate in the final list secured 20.30 out of 40 in written test, 24.19 out of 30 in APA and 26 out of 30 in interview, yielding an aggregate of 70.49 out of 100. The Petitioner, having secured 68.93 marks, was not selected.

8. In the subsequent Promotion Process 2020-21 (subject matter of W.P.(C) 7539/2022), the same process was followed, wherein the Petitioner secured 67.47 out of 100 marks (22.67 in the written test, 26.80 in performance appraisal and 18 in the interview). The last successful candidate had secured 69.69 marks and the Petitioner was not selected.

9. In both these years, the Petitioner preferred departmental appeals under the Promotion Policy. The competent authority rejected the appeals



and communicated its decision to the Petitioner.

10. The Promotion Processes for 2021-22 and 2022-23 were governed by the revised Promotion Policy dated 8th February 2021, under which promotion from Scale III to Scale IV was based on eight parameters carrying an aggregate of 100 marks, namely: Test (30), APAR (20), Interview (30), Post Graduation (2), JAIIB (2), CAIIB (3), Approved Certification Courses (3) and completed years of service for generalists and specialists (10).

11. The aforesaid Promotion Policy, *inter alia*, contains the following stipulations:

- (i) Clause 13.1: Minimum qualifying marks in the Test would be 40%, subject to discretion of the Managing Director & CEO where adequate candidates were unavailable.
- (ii) Clause 13.2: APAR marks will be the average of the preceding three years.
- (iii) Clause 13.3: One mark would be assigned for each approved course.
- (iv) Clause 13.9: The final merit list would be prepared strictly on aggregate marks obtained under the assigned weightage.

12. For the year 2021-22, the Petitioner secured 73.70 out of 100 marks (16.80 in test, 17.80 in APAR, 21.10 in interview, 10 in service and 8 in educational/certification), whereas the last selected candidate secured 75.97 marks. For the year 2022-23, the Petitioner secured 70.10 out of 100 marks, while the last selected candidate secured 71.13 marks. Consequently, the Petitioner was not selected in any of the aforesaid promotion processes.



Petitioner's Submissions

13. Aggrieved, the Petitioner filed the instant petitions. His submissions are summarised as follows:

13.1. The Petitioner scored well in the written test and stood above a large number of selected candidates on that parameter. He was awarded comparatively low interview marks, whereas several candidates who scored much less in the written test received very high interview marks. The Petitioner asserts that this pattern, seen across years, shows manipulation of interview marks to alter outcomes and to favour non-meritorious candidates.

13.2. For Promotion Process 2019-20, the Petitioner highlights that he secured 24.63 in the written test but was awarded 19 out of 30 in interview, while candidates with substantially lower written marks were awarded 25 to 28 out of 30 in interview. According to the Petitioner, the magnitude of the gap, coupled with the brevity of interviews, demonstrates arbitrariness.

13.3. The Petitioner claims entitlement to special weightage on account of his work in the inspection field. He relies on the Bank's Inspection and Audit Policy 2019-20 and Instruction Circular No. 16431/Inspection/2019-20/08, particularly the stipulation that officers with exposure in the inspection department should receive weightage at the time of promotion.

13.4. The Petitioner also alleges lack of transparency and inconsistency in RTI responses. He contends that the Respondent Bank denies consolidated information about desirable or mandatory qualifications for Scale IV promotees, yet accords weightage for professional qualifications such as MBA, CAIIB and similar certifications in promotions from Scale I to II and Scale II to III. He urges that his own qualifications (M.Sc., MBA, CAIIB and Certified Credit Officer) ought to have been valued, and the non-



consideration reflects unfairness.

13.5. The Petitioner asserts discrimination and violation of Articles 14 and 21, alleging departmental favouritism through inflated interview marks and irregular deviations from the announced promotion norms.

13.6. A further grievance is raised regarding rural/semi-urban tenure requirements and the alleged promotion of officers without fulfilling those conditions.

13.7. The Petitioner challenges the composition of the interview panel, asserting that certain members had previously rejected the views of the officers' association with which the Petitioner is affiliated, thus creating a reasonable apprehension of bias.

Respondent's Submissions

14. The Respondent Bank opposes the petitions and submits, in essence, as follows:

14.1. The petitions are not maintainable. The Petitioner seeks to unsettle concluded selection processes and promotions already granted. Any interference would directly impact rights of officers who stand promoted. None of the promoted officers have been impleaded. The challenge is therefore hit by non-joinder of necessary parties.

14.2. The Promotion Policies are statutory in character, framed and reviewed by the Board of Directors under the governing Service Regulations, which have a statutory foundation. The Promotion Processes strictly followed the policies.

14.3. The Petitioner participated in the promotion processes with full knowledge of parameters and weightage. After being unsuccessful, he cannot be permitted to assail the processes on grounds that were known



from inception.

14.4. The policies prescribe the parameters and weightage, including the interview component. The final merit list is strictly based on aggregate marks. A candidate with lower written marks can legitimately score higher in interview and still rank above another candidate because the policy contemplates aggregate evaluation.

14.5. Clause 11.6 of the policy dated 7th February, 2019 expressly permits the competent authority to change the cut-off marks. For the 2019-20 process, the cut-off for interview shortlisting in the written test was fixed at 17.63 out of 40. The minimum qualifying marks for interview were fixed at 12 out of 30. The Petitioner satisfied the shortlisting cut-off and the interview minimum, but fell short on aggregate when compared to the last selected candidate.

14.6. In all the impugned promotion processes, the Petitioner secured less aggregate marks than the last selected candidate. This alone explains non-selection. The Petitioner does not dispute these aggregates.

14.7. The reliance on Inspection and Audit Policy 2019-20 is misplaced. The said policy was effective from 1st April, 2019, whereas Promotion Policy and Promotion Process 2019-20 were notified on 7th February, 2019. In any event, weightage for inspection exposure had been reckoned up to Scale III, where applicable, and was not part of the Scale III to Scale IV evaluation framework.

14.8. The RTI-based comparisons and numerical tabulations are extraneous. The promotion is merit-based on aggregate scoring. The Petitioner cannot seek re-assessment of interview marks under writ jurisdiction.

14.9. It is well settled that courts do not sit in appeal over expert assessment



in selection or promotion processes, absent proven *mala fides*, perversity, or violation of mandatory rules.

Analysis and Reasons

15. The controversy must be approached within the settled limits of judicial review in selection and promotion matters. Article 226 enables correction of illegality, procedural unfairness, *mala fides*, or outcomes that are demonstrably perverse. It does not permit a re-evaluation of comparative merit, nor a substitution of interview assessment by judicial opinion. The Supreme Court has repeatedly emphasised that courts must refrain from acting as an appellate authority over decisions of selection bodies and expert committees, unless a clear case of illegality or arbitrariness is made out.¹

Maintainability and non-joinder

16. The reliefs sought, when read as a whole, are directed at upsetting merit lists and outcomes for multiple years and, as a consequence, disturbing promotions already granted. Such an exercise affects vested service rights of successful candidates, including seniority and promotional placement. In service jurisprudence, successful candidates whose selection is sought to be set aside are necessary parties, at least in a representative capacity, because their rights cannot be prejudiced without hearing them.²

17. On this short ground alone, these petitions, in the present form, are vulnerable. Even so, since elaborate submissions have been addressed on merits, findings are also recorded on the substantive issues.

Participation in the process and the nature of challenge

18. The Petitioner does not challenge the Promotion Policies. He

¹ Dalpat Abasaheb Solunke v. B.S. Mahajan, (1990) 1 SCC 305.

² Prabodh Verma v. State of U.P., (1984) 4 SCC 251.



participated in the notified promotion processes, took the written tests, appeared in the interviews, and invoked the appellate channel provided under the policy. The challenge is essentially an attempt to re-open the merit assessment after an unsuccessful outcome, on grounds that were inherent in the policy framework, namely the allocation of 30 marks to interview and the preparation of the final merit list on aggregate marks.

19. A candidate who knowingly participates in a selection process cannot ordinarily assail that very process after being declared unsuccessful, unless the challenge goes to an illegality that strikes at the root of the process or a violation discovered later, which could not have been raised earlier.³ Here, the Petitioner does not dispute the existence of interview weightage. The grievance is with the marks awarded. That grievance, without proof of *mala fides* or procedural breach, cannot be converted into a writ claim for re-assessment.

Whether disparity in interview marks establishes arbitrariness

20. The Petitioner's central theme is based on numerical analysis of the marks awarded to the selected candidates. He compares his written marks with those of certain selected candidates and asserts that those with lower written marks were awarded higher interview marks. That pattern, according to him, indicates favouritism.

21. This submission overlooks the framework of the policy. The Bank adopted a composite evaluation model, distributing 40 marks to written test, 30 to performance appraisal and 30 to interview in the Promotion Policy dated 7th February, 2019 and, *inter alia*, 30 to test, 20 to performance appraisal, 30 to interview in the Promotion Policy dated 8th February, 2021.



The model expects aggregate assessment. It follows that lower performance in one component can be offset by better performance in another, so long as minimum suitability thresholds are met where prescribed.

22. On the undisputed record for Promotion Process 2019-20, the Petitioner secured 68.93 aggregate marks. The last selected candidate secured 70.49. The Petitioner secured higher written and APA marks, but lower interview marks, and therefore fell below the cut-line. The same position prevails in the subsequent promotion cycles as well, where the Petitioner fell marginally short of the last selected candidate on the basis of aggregate marks under the applicable policy. That outcome flows from the policy design. It does not, by itself, demonstrate arbitrariness. Courts have consistently held that viva voce or interview assessment involves elements of judgment and evaluation which are not susceptible to judicial substitution. Disparity in interview marks, by itself, does not prove *mala fides* or arbitrariness. A petitioner must specifically plead and establish that the interview was a sham, or that irrelevant considerations entered, or that marks were manipulated with a proven purpose.⁴ This threshold has not been met.

23. The Petitioner has not placed material showing any procedural breach in the conduct of interviews. There is no pleaded or proven instance of a member acting with demonstrable bias, nor any factual foundation showing that the interview marks were pre-determined. The plea that interviews lasted 10-15 minutes does not render the process unlawful. Many institutional promotion interviews are short. The legality turns on adherence to the policy framework and fairness of process, not on duration alone.

³ Madan Lal v. State of J&K, (1995) 3 SCC 486.

⁴ Lila Dhar v. State of Rajasthan, (1981) 4 SCC 159;



24. The Petitioner also argues that interview marks were used to “tilt” results. However, the policies give interview a weightage of 30 out of 100, which is substantial but not overwhelming. In such composite models, a difference of 7 to 8 marks in interview can affect rank. That is a consequence of the adopted evaluation design. It does not establish illegality unless the design is itself under challenge or the interview process is shown to be vitiated. Neither is the case here.

Cut-off marks and discretion under Clause 11.6

25. The Petitioner suggests that shortlisting and selection thresholds were manipulated. The Promotion Policy dated 7th February, 2019, through Clause 11.6, fixes minimum qualifying marks for written test at 40%, while reserving discretion with the competent authority to change the cut-off, similar to Clause 13.1 of Promotion Policy dated 8th February, 2021. In Promotion Process 2019-20, the Bank fixed the written test cut-off for calling candidates for interview at 17.63 out of 40. This is above 40%. The Petitioner crossed that cut-off and was interviewed. No prejudice arises from this exercise of discretion as far as the Petitioner is concerned.

26. More importantly, the final result does not turn on the written cut-off. It turns on aggregate marks as mandated by Clause 11.10 of Promotion Policy dated 7th February, 2019 and Clause 13.9 of Promotion Policy dated 8th February, 2021. The Petitioner fell short on aggregate when compared with the last selected candidate. This Court cannot, in writ jurisdiction, rework the aggregate and direct enhancing interview marks.

Inspection weightage and later policy documents

27. The Petitioner places heavy reliance on the Inspection and Audit Policy 2019-20 and its stipulation about weightage for inspection exposure.



The Respondent Bank has explained that, under the Promotion Policy, such exposure weightage was factored up to Scale III, where applicable, and the Inspection and Audit Policy 2019-20 became effective from 1st April, 2019, subsequent to the notification of Promotion Policy and Promotion Process 2019-20 on 7th February, 2019.

28. The petitions, as framed, do not demonstrate that the Scale III to Scale IV promotion policy for the relevant year mandated such inspection exposure weightage as a parameter. In a merit-based promotion exercise governed by statutory policy, courts cannot add new heads of evaluation by reference to other documents unless the promotion policy itself incorporates them for that stage.

Qualifications, RTI “contradictions”, and comparative fairness

29. The Petitioner complains that the Bank awards weightage for additional qualifications at lower promotion stages but not at the Scale III to Scale IV stage. That is a matter of policy choice. Since the Promotion Policy for Scale III to Scale IV prescribes the parameters and assigns weightage, the absence of a separate qualification head at that stage cannot be labelled as illegal, particularly when the Petitioner does not challenge the policy itself.

30. The RTI responses, as relied upon, do not establish any breach of the notified parameters for this process. They mainly supply comparative data. Comparative data, absent proof of rule violation or *mala fides*, does not translate into enforceable grounds for judicial interference.

Rural/semi-urban tenure and other collateral allegations

31. Allegations regarding rural/semi-urban tenure compliance by other promotees and alleged preferential postings are serious assertions. Such



allegations require precise pleadings, specific identification of individuals, and proof of violation of mandatory eligibility conditions. The petitions, as presented, do not provide a workable factual foundation for adjudication of those allegations in writ proceedings. In any case, in the absence of impleaded successful candidates, the Court cannot undertake adjudication that would directly prejudice them.

Alleged bias due to association-related issues

32. The plea that interview panel members were hostile because the Petitioner was associated with an officers' association is also asserted vaguely. Such assertions of bias do not meet the threshold for setting aside an institutional promotion process.

Conclusion

33. In light of the foregoing, the Court finds no reasonable basis to interfere with the Promotion Processes in exercise of writ jurisdiction.

34. The petitions are accordingly dismissed. Pending applications, if any, also stand disposed of.

SANJEEV NARULA, J

FEBRUARY 6, 2026/as