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

+ **W.P.(C) 10648/2018**

SHARWAN KUMAR VIGMAL

.....Petitioner

Through: Mr. Sanskar Nigam, Mr. Praveen
Sharma, Ms. Mansi Singh, Mr.
Shivam Mishra, Mr. Shushant Pal and
Mr. Aditya Shukla, Advocates.

versus

**GERNERAL MANAGER (NW-II) (APPOINTING AUTHORITY)
STATE BANK OF INDIA**

.....Respondent

Through: Mr. Siddharth Sangal, Ms. Mrinalini
Tandon, Ms. Richa Mishra and Ms.
Kashish Tewatia, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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02.04.2026

1. The Petitioner, who was serving as Deputy Manager in Middle Management Grade Scale [“MMGS”] II in the State Bank of India [“*the Bank*”], assails the promotion list dated 15th May, 2018 for promotion from MMGS-II to MMGS-III under the merit channel. His case, in substance, is that though he was directed in earlier proceedings to be considered for backdated promotion, and though he qualified the written-test stage and was called for interview, he was kept out of the final select list for collateral reasons and under the guise of interview. He also alleges discriminatory treatment at the stage of appeal and under the later special dispensation for unfilled vacancies.



2. The earlier writ petition W.P.(C) No. 7578/2017, filed by the Petitioner, did not result in any declaration that the Petitioner was entitled to promotion. In the said proceedings, the Bank undertook before the Court to consider his case for promotion from a back date, provided he fulfilled the eligibility criteria. Accordingly, this Court, by order dated 31st January, 2018, directed consideration, subject to his undertaking the written test and appearing in the interview. The 2018 order, therefore, secured consideration only; it did not confer promotion by mandate, nor did it dispense with the promotional process.

3. The Petitioner nevertheless maintains that the later process was unfairly deployed against him. He points out that his name appeared in the Zone of Selection list published on 2nd April, 2018 and later in the list of 530 candidates called for interview on 3rd May, 2018. He says that once he had crossed the written-test and performance thresholds, the interview, which carried only a 10% weightage, could not have been used to deny him promotion. He also places emphasis on the fact that 47 candidates were promoted without interview, under a circular meant only for candidates “*senior enough*”. He further argues that this itself shows that the interview was not a serious component of the process. He further complains that, though he filed an internal appeal on 21st May, 2018, he was not called when 36 appellants were shortlisted for interaction and 16 were ultimately granted promotion. He finally relies on the option exercise for unfilled vacancies in Bangalore, Hyderabad, Jaipur and Lucknow and says that, though he was willing to go to any deficit circle, he was again left out.

4. The Petitioner also places the matter in a broader personal context. He says he had served the Bank for more than 35 years without blemish; that



promotion year 2018-19 was, in practical terms, his last real opportunity for advancement because he would soon cease to satisfy the residual-service requirement; and that what followed the earlier writ petition was not a neutral evaluation of merit, but a conscious effort to keep him out because he had chosen to seek judicial redress. That charge of retaliatory exclusion runs through the petition and forms an important part of his challenge.

5. The Bank disputes the premise. It states, first, that the Petitioner's position at serial no.150 in the Zone of Selection list and later at serial no.23 in the Interview list does not establish anything, because those lists were not arranged in descending order of merit but office-wise and alphabetically. Secondly, the final selection was not based on interview alone, but on a composite merit drawn from appraisal, written test and interview in the prescribed proportion of 40%, 50% and 10% respectively. Thirdly, the 47 candidates who were selected without interview belonged to the SC/ST category and were dealt with in terms of Government of India guidelines, with the Bank's promotion policy being aligned to those norms. Fourthly, the appeal stage was also merit-based, and the Petitioner's non-selection there cannot by itself suggest victimisation. Finally, it is submitted that the June 2018 special dispensation for unfilled vacancies did not apply to the Petitioner, because he was being considered only for backdated promotion years 2016-17 and 2017-18 pursuant to the earlier order of this Court, whereas that dispensation was for unsuccessful candidates of promotion year 2018-19.

6. The real question, therefore, is not whether the Petitioner felt aggrieved by his non-promotion, but whether the record discloses any legal infirmity in the process, whether by way of illegality, arbitrariness, *mala*



fides, or departure from the governing promotion policy, grave enough to warrant interference under Article 226.

7. The Petitioner cannot derive any advantage from his position in the Zone of Selection list or the Interview list. The Bank has specifically stated that the Zone of Selection list dated 2nd April, 2018 was not arranged in descending order of merit, but was serially structured administrative-office-wise and alphabetically. In substance, the same explanation has been offered in relation to the Interview list as well. Nothing has been placed on record to dislodge that position. Mere placement at serial no.150 in one list and serial no.23 in another does not, by itself, translate into a right to selection or even a presumption of superior merit.

8. The second plank of the petition is equally unpersuasive. The Bank's stand, consistently taken, is that final selection rested on a composite score, with 40% weightage to appraisal, 50% to the written test, and 10% to interview, subject also to the candidate securing the prescribed minimum in interview. That is the promotion structure disclosed in the Counter Affidavit and reaffirmed in the later Affidavits filed pursuant to the orders of this Court. Once that framework is accepted, the Petitioner's attempt to portray the interview as the sole or decisive instrument of his exclusion loses much of its force.

9. The subsequent Affidavits filed by the Bank assume significance in this context. After this Court required the Bank to state, with specificity, why the Petitioner had not been promoted, the Bank stated in clear terms that he was left out of the final select list of 314 candidates because he ranked lower in the overall merit position and did not attain the cut-off required for final selection. The additional Affidavit filed in pursuance of



order dated 11th December, 2019, encloses Appendix-I, setting out the Petitioner's marks under the different heads and comparing them with the marks of the last selected candidates.

10. That document materially weakens the very foundation of the petition. Appendix-I shows that the cut-off of the final select list was 74.25. It further shows that, for backdated promotion year 2017-18, the Petitioner secured a total final score of 72, and for backdated promotion year 2016-17, 71.40. In other words, on the figures disclosed by the Bank, he fell short of the cut-off in both years. The last three selected candidates were all at 74.25.

11. Pertinently, Appendix-I does not support the Petitioner's repeated assertion that interview was used as the real device to exclude him. On the contrary, the chart shows that the Petitioner secured interview marks of 18 out of 20, yielding a normalised interview score of 9, in both backdated years. That is not a failing score. It is also not markedly out of line with the last selected candidates, whose normalised interview scores are shown as 9.5, 9 and 9. The Petitioner's appraisal component too was not weak. In one of the two backdated years, his PAF-derived score is 39, which is in fact higher than the 36 to 38 range shown for the bottom selected candidates. The real point of deficit lies elsewhere. His written-test component was lower, resulting in a lower overall composite. The record, therefore, does not support the contention that he was filtered out on interview alone, still less that interview was manipulated to keep him out.

12. Once that position emerges from the very chart placed by the Bank, the Petitioner's attack on the interview component becomes difficult to sustain. The fact that interview carried only 10% weightage does not make it irrelevant. At the same time, the disclosed marks show that interview was



not, by itself, the reason for his non-selection. The petition proceeds as though interview was the concealed device by which an otherwise deserving candidate was kept out. The record does not bear that out. It shows, instead, a candidate who performed reasonably in interview and appraisal, but whose overall composite still fell short of the cut-off.

13. The challenge based on the 47 candidates selected without interview also does not carry the matter further. The Bank has stated that those 47 candidates belonged to the SC/ST category and were selected without interview in terms of Government of India guidelines for SC/ST candidates, with the Bank's own policy being in line with those guidelines. That constitutes a specific answer. Although the Petitioner has questioned the age profile of those candidates and has argued that they could not be described as "*senior enough*", but no material has been placed before the Court to substantiate that the category-based dispensation invoked by the Bank was unlawfully applied to them, or that the Petitioner was similarly situated and discriminated against.

14. The appeal-stage grievance also carries the Petitioner no further. The Bank has stated that candidates who appealed against non-promotion were shortlisted for interaction on the merits of their respective appeals, and that 16 out of 36 shortlisted candidates were ultimately granted relief. The Petitioner was not one of them. That fact, standing alone, does not establish *mala fides*. Unless it is shown that the Petitioner stood on the same footing as those whose appeals were entertained or allowed, but was nevertheless singled out for hostile treatment, his exclusion from the shortlist cannot be treated as proof of victimisation.

15. The argument founded on the later option exercise for deficit circles is



also unpersuasive. The Bank's explanation is that the Petitioner was being considered, pursuant to the earlier order of this Court, only for backdated promotion years 2016-17 and 2017-18, even though he participated in the 2018-19 process, and that the special dispensation for unfilled vacancies was confined to unsuccessful candidates of promotion year 2018-19. This was in compliance of the earlier order, which directed consideration from a back date subject to the Petitioner undertaking the written test and interview. The Petitioner has not shown from the record that he formed part of the class of officers to whom that later dispensation extended.

16. The allegation that the Bank set out to punish the Petitioner because he had earlier approached this Court is, therefore, left without factual foundation. A plea of *mala fides* is easy to make and difficult to prove. Courts do not infer it lightly. Here, when the headwise marks have been disclosed and those marks show that the Petitioner remained below the cut-off on composite merit, the allegation of retaliation ceases to be a plausible inference and becomes little more than dissatisfaction with the outcome.

17. The limits of judicial review in such matters are well settled. It is not the function of this Court to sit in appeal over the decision of a duly constituted selection body or to scrutinise the comparative merits of candidates.¹ The assessment of suitability and relative merit lies within the domain of the expert committee, which is entrusted with that task and possesses the requisite expertise. This Court does not have such expertise, nor can it substitute its own evaluation for that of the selection body. Interference is, therefore, warranted only where the process is shown to be vitiated by illegality, patent material irregularity, or proved *mala fides*. In



the absence of any such infirmity, an attack on the assessment of merit cannot be countenanced.

18. There is another aspect. The Petitioner participated in the process of written test and interview pursuant to the earlier order of this Court, with full knowledge of the procedure governing selection. Having taken that chance to secure selection, he cannot, upon being unsuccessful, turn around and question the very process in which he willingly participated. It is a settled principle that candidates who have taken a chance to get themselves selected at an interview cannot thereafter be permitted to impugn the process on grounds of unfairness.² In the absence of any cogent material demonstrating illegality or *mala fides* in the conduct of the selection, the challenge laid by the Petitioner amounts to no more than dissatisfaction with the result, which cannot furnish a ground for judicial interference.

19. None of this is to diminish the Petitioner's long service. The Court does not doubt that he considered this to be his last meaningful chance for advancement. But length of service, by itself, cannot justify the setting aside of a merit-based promotional outcome. Nor can the Court grant promotion by sympathy when the record shows that the Petitioner fell below the cut-off in the governing merit list.

20. For the reasons discussed above, no ground is, therefore, made out to set aside the promotion list dated 15th May, 2018. The prayer for a direction to produce the marks of all candidates also does not survive once the Bank has already placed before the Court the comparative cut-off material necessary to explain the Petitioner's non-selection, and no basis is shown to

¹ *Dalpat Abasaheb Solunke & Ors. v. Dr. B.S. Mahajan & Ors.* (1990) 1 SCC 305.

² See: *Madan Lal & Ors. v. State of J&K & Ors.* (1995) 3 SCC 486.



doubt the integrity of that disclosure.

21. The writ petition is, accordingly, dismissed.

SANJEEV NARULA, J

APRIL 2, 2026

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