

(1987) 08 KAR CK 0038
In the Karnataka High Court
Case No : W.P. Nos. 7685/1987, etc

Muralidhar N. Inamadar and Another

APPELLANT

Vs

Chairman, Bijapur Grameena Bank and Another

RESPONDENT

Date of Decision : 12-08-1987

Acts Referred:

Citation : (1987) 3 KarLJ 260

Hon'ble Judges : M. Rama Jois, J

Judgement

Rama Jois, J.-In these petitions, the petitioners who different categories of posts in the service of the Bijapur Grameena Bank established under the provisions of the Regional Rural Banks Act, 1976 (for short "the Act") have sought for the issue of a writ of mandamus directing the Bank to appoint each of the petitioners to the post, for the appointment to which, he had been selected.

2. These petitions had come up for orders on the application filed by the respondents for vacating stay on 10.08.1987. having regard to the urgency of the matter with the consent of the Counsel appearing for the parties, these petitions were taken up for hearing. They were heard for considerable time on the said day and at the request of the learned Counsel they were adjourned today. After hearing further arguments of the learned Counsel for the parties, these petitions are being disposed of by this common order.

3. Briefly stated the facts of the case are these: Bijapur Grameena Bank has been established under the provisions of Section 3 of the Act at the request of Syndicate Bank, which is a Sponsor Bank. Section 17 of the Act empowers the Bank to make appointment of such number of Officers and other employees as it might consider necessary or desirable for the efficient performance of its functions. The 1st respondent-Bank issued an advertisement in the "Samyuktha Karnataka" Daily, on 8.1.1985 (Annexure-A) inviting applications for 64 posts of Officers, 50 posts of Field Supervisors and 100 posts of Junior Clerks-cum-Cashier. The petitioners and several others submitted their applications pursuant to the aforesaid advertisement. The Bank selected 61 persons for appointment as

Officers, 50 persons for appointment as Field Supervisors and 100 persons for appointment as Junior Clerks. Each of the petitioners was informed about his selection by communication dated 15.7.1985. As the communication to all the petitioners is similarly worded, it is sufficient to set out Annexure-D produced in the first batch of writ petitions. It reads:

"Ref: BGB/PER/557/780/85.

Dt. 15.07.1985 Sri Muralidhar Nanappayya Inamdar, S/o N.A. Inamdar, "Pawan Ganga", Kamankatta, Dharwar-580001.

Dear Sir/Madam,

We have pleasure in informing you that you have been selected for appointment for the post of FIELD SUPERVISOR in the Bank. You will be called for training and appointed as per the training schedule of the Bank. This is for your kind information. We shall inform the date of training to you.

No further correspondence will be entertained in the matter.

Yours faithfully,

Sd/-

Chairman.

On 13.3.1987, another communication was given to each of the petitioners similar to Annexure-F, in the First batch of writ petitions. It reads:

"Ref.No.BGB/PER/362/87. Dt.13.3.1987

Miss. Sarayu Shivaputrappa Desai,

Shivashakti Nilaya,

Extension Kaladagi Road,

Bagalkot.

Dear Sir,

Further to our letter No. BGB/PER/559/1098/85 dated 15.07.1985, we are directed to inform you that sufficient number of vacancies did not arise so as to absorb you into the services of the Bank. Hence, the period of employment of selected candidates has been extended and kept in force till 30.06.1987.

Please note that this is not a commitment on the part of the Bank to absorb you into its service. Your appointment will be considered subject to arising of vacancies in the bank. The validity of this panel expires automatically on 30.06.1987. This is for your kind information."

As can be seen from the above communication, the petitioners were informed that sufficient number of vacancies did not arise so as to absorb them into the

service of the Bank and they were also further informed that the list of selected candidates would be kept in force only upto 30.06.1987. They were also further informed that if only vacancies arose before 30.06.1987 they would be considered for appointment and if not, select list automatically expires on 30.06.1987. It is at this stage, petitioners have presented these petitions seeking for a direction to the Bank to appoint them to the posts to which they have been selected.

4. The plea of the petitioners is that they were not only selected by the Bank but the wording of the communication (Annexure-D) indicates that they had also been appointed to the post concerned and what remained was only sending them for training and to give a posting order after training and therefore, it was not open for the bank now to say that the select list of candidates expired or that there were no vacancies for appointment particularly because as there was no question of appointment as they had already been appointed. It is also the plea of the petitioners that on the principle of promissory estoppel, the respondent Bank must be compelled to keep up the promise and to give posting orders to the petitioners.

5. The 1st respondent-Bank has filed the statement of objections. The substance of the plea of the Bank is as follows: The Bank invited applications for 60 posts of Officers, 50 posts of Field Supervisors and 100 posts of Junior Clerks on the expectation that the application of the Bank for opening 16 branches would be sanctioned by the Reserve Bank of India whose sanction is a condition precedent for the opening of the Branches: If opening of such branches had been sanctioned, the Bank would have required as many Officers as are equal to the number of persons selected. But it so happened that subsequent to the issue of the advertisement, two communications were received by the Bank from the Reserve Bank of India. Copies of which have been, produced as Annexure-R1 and R2. They read:

"National Bank for agriculture & Rural Development. Institutional Development Department: Regional Rural Banks Division.

IDD.R RB.No. 2972/315, (Gen)/85 Poonam Chambers, Shivasagar Estate, Dr. Annie Besant Road, P.B. No. 6552, Worli Bombay-400 018, 26 December, 1985

Copy of the telegram issued to all RRBs on 26.12.1985.

Government of India have decided that hereafter recruitment of Officers, Field Supervisors and Clerks in all RRBs will be conducted by Banking Services Recruitment Boards(.) Details guidelines are being issued. In the meantime no advertisement for recruitment of such staff should be issued with effect from First January 1986(.) Indents for staff required during 1986 and if possible also for 1987 should be furnished to BSRBS covering your state (.) In case of advertisements issued before 1.1.86 the process of recruitment may be completed under the Existing Arrangements(.) However minimum staff should be recruited to meet only the immediate requirements(.)"

xxx xxx xxx

"New Delhi, 19th November 1986

To

Chairman of all BSRBs.

SUB: Recruitment of personnel in Regional Rural Banks through Banking Service Recruitment Boards.

Sir,

I am directed to refer to the NABARD's Endt. IDD.RRB.No. 2973/315(Gen)/85 dated 26th December 1985 and to say that the Government of India had earlier decided that recruitment of Officers, Field Supervisors and Clerks in all Regional Rural Banks would be conducted by the Banking Service Recruitment Boards. Detailed guidelines have now been formulated, a copy of which is enclosed. You may now like to take necessary action in this behalf.

Hindi version will be sent separately.

Yours faithfully,

Sd/-

(C.W. Mirchandani)

Director."

In view of the above communications from the Reserve Bank, the expansion program proposed to be undertaken by the Bank could not be undertaken. In this situation, from among the persons selected in the list of selected candidates for the three categories, only 30 persons could be appointed in the Officers category and 30 persons in the Field Supervisors category and only 53 persons could be appointed in the category of Junior Clerks. The Bank had appointed the required number of persons strictly according to the ranking in the select list. The learned Counsel for the Bank has also produced the Serial Numbers of each of the petitioners in the select list in the respective category. Its correctness is not disputed. The learned Counsel for the Bank pointed out that no person below the petitioner in the select list in each of the categories had been appointed. This is also not in dispute. Therefore, he submitted that the petitioners had no right to be appointed and could not complain of any discrimination.

6. The learned Counsel also stated that according to the directions of Government of India normally the panel was to be in force for one year. But in the present case, the Bank extended the panel upto 30.06.1987, but unfortunately, for the petitioners, sufficient number of vacancies did not arise for want of opening of new branches for want of permission by the Reserve Bank, and therefore, they could not be appointed. He also said that intimation given to the petitioners was only about selection and it was no order of appointment.

7. The 2nd respondent to the petition is the Secretary of the Banking Service Recruitment Board, who has now been entrusted with the preparation of select list for appointment of personnel in the service of the Regional Rural Banks. The Board has issued an advertisement inviting applications for making selection for appointment to a few posts in the service of the 1st respondent-Bank. The 2nd respondent has filed statement of objection and has explained as to how the Board has come into the picture and has been requested to make the selection for appointment to various posts in the service of the 1st respondent and other Banks.

8. As stated earlier, Section 17 of the Act empowers the Regional Rural Bank to make appointments of such number of Officers and other employees as it might consider necessary or desirable for the efficient performance of its functions. Section 24 of the Act provides that a Regional Rural Bank shall, in the discharge of its functions, be guided by such directions in regard to matters of policy involving public interest as the Central Government may, after consultation with the Reserve Bank, give. The 2nd respondent in his statement of objection has stated the following facts:

(i) On 26.12.1985, a telegraphic communication was received, which is produced as Annexure-I. It reads:

"National Bank for Agriculture & Rural Development. Institutional Development Department: Regional Rural Banks division.

IDD.R RB.No. 2972/315, (Gen)/85 Poonam Chambers, Shivasagar Estate, Dr. Annie Besant Road, P.B. No. 6552, Worli Bombay-400 018, 26 December, 1985

Copy of the telegram issued to all RRBs on 26.12.1985.

Government of India have decided that hereafter recruitment of officers, Field Supervisors and Clerks in all RRBs will be conducted by Banking services Recruitment Boards. Detailed guidelines are being issued. In the meantime no advertisement for recruitment of such staff should be issued with effect from First January 1986. Indents for staff required during 1986 and if possible also for 1987 should be furnished to BSRBS covering your State. In case of advertisements issued before 1.1.86 the process of recruitment may be completed under the existing arrangements. However minimum staff should be recruited to meet only the immediate requirements."

From the above communication, it is clear that as a matter of policy, the Government of India that the recruitment of personnel for appointment as Officers, Field Supervisors and Clerks in all the Regional Rural Banks should be made by Banking Service Recruitment Boards. Thereafter a communication dated 19.11.1986 was issued by the Banking Service Recruitment Board which reads:

"New Delhi, 19th November, 1986

To

Chairman of all BSRBs.

Sub: Recruitment of personnel in Regional Rural Banks through banking Service Recruitment Boards.

Sir,

I am directed to refer to the NABARD's Endt. IDD.RRB. 2973(315 (Gen)/85 dated 26th December 1985 and to say that the Government of India had earlier decided that recruitment of Officers, Field Supervisors and Clerks in all Regional Rural Banks would be conducted by the Banking Service Recruitment Boards. Detailed guidelines have now been formulated, a copy of which is enclosed. You may now like to take necessary action in this behalf.

Hindi version will be sent separately.

Yours faithfully,

Sd/- (C.W. Mirchandani)

Director."

On 22.12.1986 in the 22nd Board Meeting of the 1st respondent-Bank, a resolution was passed by the Board of the Bank. It reads:

"Resolved to refer the matter to sponsor Bank and authorised the Chairman to place indent for the Man-power with B.S.R.B. Southern, Bangalore for the year 1988."

9. Pursuant to the above resolution, letter dated 6.3.1987 (Annexure-III) was addressed by the Chairman of the Bank to the 2nd respondent-Bank. The said letter reads:

Ref.No.BGB/PER/332/87.Dated:6.3.1987

The Secretary,

Backing Service Recruitment Board

19/5, 19/6 Kareem Towers,

Post Box No.147, Cunningham Road,

Bangalore-560052.

Dear sir,

Sub: Indent for Manpower for 1988.

Ref: Your letter No.BSRB 132. 1933/86. dated 3.12.1986.

We are placing indent for various cadre posts for the year 1988 in the format as informed by you. Please note that since we had to take permission from the Sponsor Bank to place the indent with you, we could not inform you before

23.1987.

We are also enclosing the copy of the letter of the Sponsor Bank permitting us to place the indent with you for your kind information.

Thanking you,

Yours faithfully,

Sd/-

(CHAIRMAN)

10. Thereafter, the Deputy General Manager of the Syndicate Bank which is the Sponsor Bank addressed a letter dated 2.3.1987 to the 1st respondent permitting the 1st respondent to submit a staff indent to the 2nd respondent in accordance with the particulars shown in the enclosure. The said letter reads:

"Ref.No. 0023-RRBS. 1603-261. March 02,1987

The Chairman,

Bijapur Grameena Bank,

Bijapur.

Dear Sir,

Sub: Recruitment of personnel in RRBs. through the Banking Service Recruitment Boards.

We refer to your letter No. BGB/PER/249/87 dated 18.02.1987 together with its enclosures. Based on the particulars furnished by you, we have calculated your staff requirement for the year 1988 and have found that the staff requirement worked out by you and forwarded to us vide your letter No. BGB/PER/71/87 dated 10.1.1987, is an order. You are permitted to submit your staff indent to the BSRB accordingly. A copy of this letter may also be sent to the BSRB along with the indent in support of our having approved/confirmed the staff indent,

Yours faithfully,

Sd/- K.V.Beliraya,

Dy.Gen. Manager.

Regarding the requirement of personnel for the year 1988 for Bijapur Grameena Bank, the number of posts specified were-

Officers

Field Supervisors

Clerk-cum-Cashiers

Total ..

..

..

.. 8

14

36

58

It is in respect of these posts, the 2nd respondent has been requested to make selection and the advertisement inviting the applications has been issued by the 2nd respondent, copy of which is produced by the petitioner as Annexure-G. These vacancies are expected to arise during the year 1988 and the selection was proposed to be made by the 2nd respondent. Large number of applications have already been received by the 2nd respondent and the examination is fixed on 23.08.1987. In substance, the plea of the 2nd respondent is that the duty to make selection for appointment in respect of the vacancies in the three categories arising in the service of the Bank during the year 1988 has been entrusted to the 2nd respondent under the policy direction of Government of India and the resolution passed by the Bank.

11. Respondents-1 and 2 have also pleaded that on the facts and circumstances of this case, all that the Bank had done was only to prepare a select list in respect of the expected vacancies and the communication given to the petitioners were only about informing them of their having been selected and also telling them that the appointment would be made as and when vacancies arise and it was not correct to say that they had already been appointed. It is also their plea that in a situation like this, the principle of promissory estoppel would not be attracted at all as it is well-settled that mere inclusion in the list of selected candidates confers no right for appointment and it is always open for the competent authority not to operate and to go for fresh selection. They have also pleaded that in the present case, the appointment of the balance of the candidates in the select list was impossible as there were no vacancies at all for the reason opening of new Branches was not permitted by the Reserve Bank.

12. Before going to the first contention, it is necessary in the first instance to decide as to whether the communication given to each of the petitioners on 15.07.1985, one of which is extracted earlier amounts to an order of appointment. A reading of the communication would at once show that the interpretation of the petitioners that it was an order of appointment is patently untenable. After the select list was prepared the Bank considered appropriate to inform each of the candidates about his selection. This is clear from the first sentence in the communication. In the next sentence the petitioners were informed that each of them would be called for training and appointed as per the training schedule of the Bank and that they shall be informed the date of training. The clear meaning of the said sentence is that as and when vacancies

arise selected candidate would be sent for training and appointed. Lastly it said no further correspondence would be entertained in the matter. Therefore, it is not correct to say that the petitioners were actually appointed in the month of July 1985 itself.

13. The next question for consideration is whether the petitioners have acquired the right to be appointed on the ground that their names were included in the list of selected candidates. The petitioners assert that they did acquire a right to be appointed. Learned Counsel for the respondents submitted that it was well-settled position in law that mere inclusion of the name of a person in a list of selected candidates does not confer any right to be appointed though it was obligatory for the State to make appointments of selected candidates in the same order in which their names have been arranged and it cannot pick and choose any candidates irrespective of the ranking as that would be an infraction of Articles 14 and 16(1) of the Constitution. They contend that number of appointments to be made out of the list of selected candidates not only depends upon the number of vacancies available for appointment but also depends upon the decision of the appointing authority whether to operate the list fully or for a particular period and to go in for a fresh selection. In the present case they said that as explained by the Bank the number of posts of Officers, Field Supervisors and Clerks in respect of which applications were invited were not existing vacancies, but was in respect of the vacancies which were likely to arise, if the Reserve Bank had granted permission to open new Branches. But the Bank was not in a position to open 16 branches as Reserve Bank refused to accord permission. The resultant position was that there were no vacancies, and it was impracticable for the Bank to appoint persons whose names had been included in the select list. According to the statement filed, it is clear that only 30 vacancies in the cadre of Officers, 30 vacancies in the cadre of Field Supervisors and 53 vacancies in the cadre of Junior Clerks arose for being filled up and first respondent has made appointments of equal number of candidates from the select list, strictly in the order of their ranking. Learned Counsel for the petitioners however maintained that inclusions of the names of the petitioners in the select list conferred right on the petitioners for appointment. The question is not res integra. It was the subject matter for consideration by a Division Bench of this Court in *A. THIMMEGOWDA & ORS v STATE OF MYSORE & ORS* (W.P.No 2338. of 1968 decided on 6.2.1970). (1970 Mys.L.J. S.N. P43) Such a contention was negated by the Division Bench.

14. The learned Counsel for the petitioners, however, relied on the judgment of the Supreme Court in *PREM PRAKASH v UNION OF INDIA* (A.I.R. 1984 S.C. 1831.2). The said case related to the appointment of Sub Judges in the judicial service in the Union Territory of Delhi. Two persons belonging to Schedule Caste were not included in the panel prepared for 1979 on wrong calculation of reserved vacancies. One of them approached the Supreme Court in an article 32 petition. On that petition, a direction was issued by the Supreme Court to include them in the 1979 panel and to appoint them though the duration of the panel

was over, as their non-inclusion was wrong. In implementing the said direction, the High Court declined the appointment to two persons belonging to schedule caste who were included in the 1980 select list. The Supreme Court held that the direction to include two Scheduled Caste candidates in the 1979 panel was not intended to and could not have been use, to deny appointments to the two selected candidates in the 1980 list, and they should also be appointed against existing vacancies. Thus it may be seen the situation was entirely different. The learned counsel, in particular, relied on para-15 of the judgment of the Supreme Court in which the Supreme Court had referred to the Ministry of Home Affairs" Circular dated 8.2.1982. In the said circular, the Central Government had directed its various departments to the effect that persons whose names had been included in the select list should be exhausted before applications are invited, or appointments are made from out of the subsequent list. The Supreme Court held that the administrative instruction issued therein was not contrary to the statutory rules and therefore, it should have been implemented by the Delhi High Court. On the strength of the above paragraph of the judgment and the circular of the Government of India, the learned Counsel contended that in the present case also a direction should be issued to the Bank to appoint all the persons whose names were included in the list of selected candidates.

15. As against the above submission, the learned counsel for the respondent relied on a later judgment of the Supreme Court in *JATINDER KUMAR & ORS v STATE OF PUNJAB* (A.I.R. 1984 S.C. 1850.) . In the said case also the question for consideration before the Supreme Court was whether the appointing authority was bound to appoint all the persons whose names had been included in the list of selected candidates. The contention was repelled by the Supreme Court. The relevant portion of the judgment reads:

This, however, does not clothe the appellants with any such right They cannot claim as of right that the Government must accept the recommendation of the Commission. If, however, the vacancy is to be filled up, the Government has to make appointment strictly adhering to the order of merit as recommended by the Public Service Commission. It cannot disturb the order of merit according to its own sweet will except for other good reason viz., bad conduct or character. The Government also cannot appoint a person whose name does not appear in the list. But it is open to the Government to decide how many appointments will be made. The process for selection, and selection for the purpose of recruitment against anticipated vacancies does not create a right to be appointed to the post which can be enforced by a mandamus."

The learned Counsel also relied on the judgment of the Supreme Court in *NAGARMAHAPALIKA, KANPUR v VINOD KUMAR SRIVASTAVA & ORS* (A.I.R.1987 S.C.847).). In the said case also the question for consideration by the Supreme Court was whether candidates who had been included in the list of selected candidates earlier had any right to be appointed, before persons whose names had been included in the subsequent list were appointed. This contention was

negated by the Supreme Court.

16. The two decisions on which the learned Counsel for the respondents relied are directly on the point and fully support the contention urged for the respondents. The decision of the Supreme Court in the case of Prem Prakash mainly depended on the facts and circumstances of the case, namely, the earlier direction to include the names of the two reserved candidates in the 1979 panel which was never intended to authorise the deletion of the names of the two selected candidates in the subsequent list. Further, the decision was also based on the circular which has no application to the present case. As stated earlier, though after the establishment of the Regional Rural Banks, they were themselves making selections and appointments to various posts for their service, the Government of India took a policy decision to the effect that on and after December 1985, the recruitment of Officers, Field Supervisors and Clerks in all the Regional Rural Banks should be made through the agency of the Banking Service Recruitment Board. It is in view of the said direction, the Board of the 1st respondent-Bank resolved to entrust the task of selection to the Recruitment Board with the approval of the Bank. Further, the recruitment is proposed to be made only 1 respect of vacancies arising during the year 1988. It is in the context of the above direction, the 1st respondent-Bank decided that the panel prepared earlier would not be operated after 30.6.1987. Therefore, it is clear that firstly there were no vacancies at all against which the balance of the selected candidates included in the select list could be appointed and secondly, in view of the policy decision of the Government of India on and after 26.12.1985, the selections for appointment on the establishment of the Regional Rural Banks could be made only from among the persons selected by the 2nd respondent Board. Therefore, the ratio of the decision in Prem Prakash's case is not apposite to the facts and circumstances of this case and the two decisions of the Supreme Court in Jatinder Kumar (1) and Nagar Mahapalika (2) as also the earlier Division Bench decision of this Court in Thimme Gowda's case, are applicable on all fours. Therefore, the first contention urged for the petitioner has to be rejected.

17. The second contention of the petitioner is based upon the promissory estoppel. In support of this contention, the learned Counsel relied on the judgment of the Supreme Court in M.P. SUGAR MILLS v STATE OF UTTARA PRADESH (A.I.R. 1979 S.C.621.). The learned Counsel submitted that the 1st respondent had held out a clear promise that the petitioners would be called for training and appointed and in view of the said promise, the petitioners had not chosen to apply for other posts to which they could have applied and therefore, on the principle of promissory estoppel as expounded by the Supreme Court, the 1st respondent-Bank should be compelled to keep up the promise and appoint the petitioners. As can be seen from the aforesaid decision itself it is only in cases where there was clear promise and that permitting to go back on the promise would lead to miscarriage of justice or manifest injustice, the principle of promissory estoppel could be invoked and enforced.

18. In the present case, in my view, neither the statement in the advertisement that the appointments will be made in accordance with the select list nor the communication dated 15.07.1985 in which the petitioners were informed of their selection and were told that they would be called for training and appointed as per the training schedule can be regarded as a promise to make appointment, for it is well settled positions in law that mere selection confers no right to appointment and secondly there can be no appointment without a post. The statement in the advertisement only meant that candidates who are included in the select list, when appointed will be required to be on probation and they would be entitled to the pay scale as specified in the advertisement. Even from the communication dated 15.07.1985, one cannot infer that the Bank promised to appoint everyone of the selected candidates. Therefore, I am unable to agree that on the facts and circumstances of the case the principle of promissory estoppel can be invoked and enforced. Every selected candidate must be aware of the normal position in law namely, that the appointments are required to be made according to the ranking in the select list and such appointments could be made only if there are vacancies, because it is settled position in law that there can be no

appointment without a vacancy. It is also settled position in law that even if a person had been appointed permanently and on such appointment entitled to continue in service till superannuation, if for any reason posts are abolished or reduced, the right to hold the post comes to an end. That being the position, the Bank cannot be understood to have made a promise to the petitioner that irrespective of the existence of the vacancies, all the persons in the select list would be appointed.

19. Even assuming that the communication was in the nature of promise, it is also established from the evidence placed on record that number of vacancies were computed with the expectation that Reserve Bank would permit the opening of 16 Branches but ultimately it so happened, the Reserve Bank turned down the request of the Bank. Thus it is clear, the further appointments from out of the select list became impracticable for want of vacancies. In a situation like this, it cannot be contended for the petitioners that not directing the Bank to appoint the petitioners would result in manifest injustice. Therefore, the petitioners are not entitled to the issue of a writ compelling the Bank to make appointments even though there were no vacancies.

20. The ration of the decision of the Supreme Court in the case of UNION OF INDIA v GODFREY PHILIPS INDIA Ltd. -(6 AIR 1986 SC 806.) also indicates that the principle of promissory estoppel cannot be used to compel the Government or public authorities to carry out a representation which is contrary to law or outside the authority of the Government or the public authority. In view of the fundamental right to equality of opportunity in matters relating to employment under the State guaranteed to the citizens under Article 16(1) of the Constitution, the Government or any public authority can make selection for

appointment against existing vacancies as also vacancies expected to arise within a reasonable time. Therefore, the Government or public authority cannot prepare an unduly long list exceeding the number of existing vacancies and the vacancies arising within a reasonable period and make a promise that all persons included in the list would be appointed against future vacancies without limit of time. Such an action or promise itself would be an infraction of Article 16(1) of the Constitution, for, citizens who have become eligible, though after the preparation of select list but long before the vacancies arose, would be denied of the opportunity to compete for selection. As stated earlier, the select list in question was prepared in July 1985. Two years had elapsed by 30.06.1987, the date with effect from which the select list lapsed, as decided by the Bank. The vacancies are expected to arise only in 1988. Even that number is smaller than the number of persons selected in 1983, who are not yet appointed as can be seen from the figures given earlier. Therefore, the Bank cannot be compelled to follow the list prepared in July 1985 in respect of vacancies arising in 1988 and even thereafter until the list is exhausted on the basis of promissory estoppel as it would result in the infraction of Articles 16(1) of the Constitution.

21. In the result, I make the following order:

- (i) The writ petitions are dismissed.
- (ii) No Costs.

Writ Petitions dismissed