

(2010) 09 PAT CK 0031

In the Patna High Court

Case No : C.W.J.C. No's. 335 and 15757 of 2010

Ripunjay Kumar

APPELLANT

Vs

Punjab National Bank and Others

RESPONDENT

Date of Decision : 29-09-2010

Acts Referred:

Citation : (2011) 128 FLR 692

Hon'ble Judges : V.N. Sinha, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

V.N. Sinha, J.—Heard learned Counsel for the Petitioner and the Counsel for the Punjab National Bank (hereinafter referred to as the Bank). In the two writ petitions Petitioner and Respondents are common and the prayer made in the two writ petitions are connected with each other, in the circumstances, both the writ petitions have been heard together and are being disposed of by this common order.

2. In C.W.J.C. No. 335 of 2010 prayer is made to direct the Respondent Punjab National Bank Housing Finance Ltd. to appoint the Petitioner on the post of Management Trainee on basis of his merit position in the additional 5th list of successful candidates, Annexure-5 drawn on the basis of the written examination held on 11.5.2008, subsequent group discussion and interview pursuant to advertisement, Annexure-1 for recruitment of 50 Management Trainee. The ground taken in the writ petition is that candidates below the Petitioner in the additional 5th list of successful candidates have already been appointed but candidature of the Petitioner was Disced under the category of to be decided cases and authorities of the Bank ignoring his better claim proceeded to advertise the post under subsequent employment notice published in the Employment News dated 6-12 March, 2010, Annexure-12 in C.W.J.C. No. 15757 of 2010 for appointment of 40 Management Trainee. It is submitted on behalf of the Petitioner that without appointing the successful candidates in the additional

5th list of successful candidates, the authorities of the Bank ought not to have issued the subsequent advertisement, Annexure-12 in C.W.J.C. No. 15757 of 2010.

3. Counsel for the Bank has opposed the prayer by filing counter affidavit in C.W.J.C. No. 335 of 2010. He states that the basic premise on the basis of which prayer is made in the two writ petitions that candidates below the Petitioner in the additional 5th list of successful candidates, Annexure-5 have already been appointed is wholly incorrect as none of the candidates included in the 5th list of successful candidates have been appointed.

4. Counsel for the Petitioner in rejoinder submitted that even if none of the candidates included in the additional 5th list of successful candidates have been appointed in the service of the Bank, yet Respondent Bank ought not to have issued fresh employment notice, Annexure-12 without accommodating the candidates included in the additional 5th list. I regret not to accept such submission. Pursuant to advertisement, Annexure-1 four list of successful candidates having already been issued, the Bank having chosen not to appoint any of the candidate included in the 5th additional list, such policy decision of the Bank cannot be questioned in the writ jurisdiction. Petitioner could have raised the grievance if any one below him in the merit list was appointed ignoring his better claim. That being not the case, I am not inclined to proceed any further with the prayer made in the two writ petitions. Both the writ petitions are, accordingly, dismissed.