
(2020) 01 PAT CK 0373

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 703 Of 2020

Sandeep Kumar

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 27-01-2020

Acts Referred:

Citation : (2020) 01 PAT CK 0373

Hon'ble Judges : Madhuresh Prasad, J

Bench : Single Bench

Advocate : Bhola Prasad, M.N. Prabat

Final Decision : Dismissed

Judgement

Heard counsel for the petitioner and learned counsel representing Institute for Banking Personnel Selection (IBPS for short).

Petitioner applied as a candidate under Economically Weaker Section (EWS for short) category in the selection process for appointment to the post of Officer Scale II.

He participated in online examination on 13.10.2019. On 08.11.2019, he was issued a call letter for appearing at the interview on 23.11.2019. On 08.11.2019, when petitioner's result was declared, he applied online for issuance of EWS certificate before the Circle Officer. The EWS certificate was not issued to the petitioner and as such it is submitted that he could not produce the same on 23.11.2019, i.e. the date fixed for interview.

Petitioner's counsel submits that since receipt issued for online examination made before the Circle Officer contemplated issuance of certificate by 21.11.2019, petitioner cannot be made to suffer for non-issuance of EWS certificate till 23.11.2019.

Other submission advanced is that the petitioner's candidature should have been considered as a candidate in unreserved / general category even if he failed to

produce EWS certificate in support of his claim as a candidate of Economically Weaker Section.

It is submitted that in the process of selection for other department/ organization under Union of India, when a candidate fails to produce certificate in support of his claim for any benefit of reservation, applicant is considered as a general category candidate.

Learned Senior counsel representing IBPS draws attention of the court towards eligibility criteria in the advertisement itself. This court would consider it useful to reproduce and extract of relevant portion which reads as follows:-

"Please note that the eligibility criteria specified herein are the basic criteria for applying for the post. Candidates must necessarily produce the relevant documents in original and a photocopy in support of their identity and eligibility-pertaining to category, nationality, age, educational qualifications etc. as indicated in the online application form at the time of interview/document verification, as the case may be. Please note that no change of category will be permitted at any stage after registration of the online application and the result will be processed considering the category which has been indicated in the online application, subject to guidelines of the Government of India in this regard. Merely applying for CRP/appearing for and being shortlisted in the Online Examination (Preliminary and Main) and/or in the subsequent interview and/or provisionally allotted and/or subsequent processes does not imply that a candidate will necessarily be offered employment in any of the Regional Rural Banks. No request for considering the candidature under any category other than the one in which one has applied will be entertained."

It is clear in the term of the advertisement for the common recruitment process that no change of category will be permitted at any stage after registration on the online application. Result was to be processed considering category which has been indicated in the online application. No guideline of Government of India in this regard, to the contrary and applicable to IBPS has been placed in support of petitioner's case that he should have been considered as a general category candidate.

Petitioner has applied with clear stipulation that there shall be no change of category and that result was to be processed as per category claimed in the on-line application. After participating in the selection process with open eyes, after accepting such terms and conditions, petitioner cannot be permitted to make a volte face and contend that category indicated in his online application (EWS) category should be considered as a general category. Petitioner cannot claim any exception to the uniform terms and conditions so as to derive any undue advantage on account of change of his category from EWS to general category.

Other submission has also been advanced in support of petitioner's claim that he has been excluded from selection in question on account of delay by the Circle Officer by not issuing EWS certificate on 21.11.2019 as per stipulation in the

receipt issued pursuant to his online application for issuance of EWS certificate. This court would consider it appropriate to re-produce stipulation regarding time likely to be taken for issuance of EWS certificate printed on the receipt for online application issued by the Circle Officer which reads as follows:-

"सेवा प्रदान करने की प्रस्तावित तिथि 21/11/2019"

Bare perusal of the said stipulation in receipt (Annexure 3/1) makes it abundantly clear that 21.11.2019 was an expected date for issuance of EWS certificate. There was no concrete stipulation that EWS certificate was to be issued positively on or by 21.11.2019.

Having noticed the submissions of the parties and in view of consideration hereinabove, this court does not find any legally enforceable claim of the petitioner to question denial of the petitioner's candidature on account of non-submission of EWS certificate.

Writ petition is devoid of merit and the same is dismissed.