
(2003) 12 AHC CK 0066
In the Allahabad High Court
Case No : C.M.W.P. No. 32135 of 2003

Sanjeev Kumar and Others	Vs	APPELLANT
Union of India (UOI) and Others		RESPONDENT

Date of Decision : 03-12-2003

Acts Referred:

Constitution of India, 1950 — Article 16, 343(1)

Citation : (2004) 1 AWC 635

Hon'ble Judges : Umeshwar Pandey, J;M. Katju, J

Bench : Division Bench

Advocate : Ashok Khare and A.K. Singh, JJ, for the Appellant; Ramesh Singh and K.L. Grover, S.S.C., for the Respondent

Final Decision : Dismissed

Judgement

M. Katju and Umeshwar Pandey, JJ.—Heard learned counsel for the parties.

2. The petitioners have challenged the Impugned communication dated 22.5.2003 issued by the Assistant General Manager, Punjab National Bank, New Delhi, copy of which is Annexure-5 to the writ petition, and have prayed for a mandamus directing the respondents to declare the final select list on the basis of the written examination held on 18.2.2001 and the interview completed in November, 2002, for promotion to the post of officer Scale-II from amongst officers Scale-I.

3. The petitioners are officers Scale-I in Muzaffarnagar Kshetriya Gramin Bank. They appeared in the examination for promotion to officer Grade-II. The written examination was held on 18.2.2001 and the petitioners qualified and appeared in the interview in November, 2002, as stated in para 20 to the writ petition. However, the final result has not been declared and instead on 22.5.2003 the impugned letter was issued cancelling the examination vide Annexure-5 to the writ petition.

4. We have carefully perused the impugned order dated 22.5.2003. That order

states that in accordance with the advice of the Finance Ministry (Banking Department), the examination was being cancelled and fresh examination will be held.

5. A counter-affidavit has been filed. Annexure-C.A. 2 thereof is the letter of the Finance Ministry dated 3.4.1993 in which it is stated that the question papers should be both in Hindi and English and the candidates should be allowed to give the answers in Hindi also. As stated in para 9 of the counter-affidavit, the examination in question was cancelled so that question papers can be in both Hindi and English. In para 14 of the counter-affidavit, it is stated that the examination for the selection was only in English language, and hence the examination was cancelled.

6. It is well-settled that this Court will not interfere in policy matters unless there is clear violation of law vide *Union of India (UOI) and Another Vs. International Trading Co. and Another*, ; *G.B. Mahajan and others Vs. The Jalgaon Municipal Council and others*, ; *S.K. Dutta v. Union of India* (1997) 10 SCC 453 ; *State of Punjab and Others Vs. Ram Lubhaya Bagga Etc. Etc.*, ; *Premium Granites and Another Vs. State of Tamil Nadu and Others*, and *Union of India (UOI) and Others Vs. R. Reddappa and Another*, , etc.

7. Hindi is the official language of the country vide Article 343(1) of the Constitution and we can see no objection to having the question papers both in English and Hindi and the answers also both in Hindi and English, if the respondent-bank so desires. All the students in this country do not have good knowledge of English. Most of the students have to study in vernacular schools and cannot afford to study in convent schools. Such students may be handicapped as they may not properly understand the questions in English language as their knowledge of English may not be very good. Hence, it is obvious that the purpose of the impugned decision was that such persons should not be handicapped and should not suffer from any disadvantage merely because they do not know good English. We can see no objection to the stand taken by the respondents, as it is a policy decision and cannot be regarded as unreasonable or arbitrary.

8. It is well-settled that mere selection does not confer any indefeasible right to get appointment vide *Ludhiana Central Cooperative Bank Ltd. v. Amrik Singh and Ors.* 2003 (98) FLR 1186 (SC) and *Shankarsan Dash Vs. Union of India*, etc.

9. In the aforesaid decisions, it was held that a person, who has been selected has no absolute right to get appointment. The petitioners have not even been selected and hence, they cannot complain that any right of theirs has been affected.

10. For the reason given above, we find no merit in this petition.

Petition is dismissed.