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**(2001) 04 DEL CK 0105**  
**In the Delhi High Court**  
**Case No : C.W. No. 4699 of 2000**

Shri Dharmendra Kumar

APPELLANT

Vs

Banking Service Recruitment Board

RESPONDENT

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**Date of Decision :** 09-04-2001

**Acts Referred:**

**Citation :** (2001) 2 LLJ 1267

**Hon'ble Judges :** Dr. M.K. Sharma, J

**Bench :** Single Bench

**Advocate :** Mr. Sheel Ratnam, for the Appellant; Mr. Adarsh B. Dial, for the Respondent

**Final Decision :** Dismissed

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## **Judgement**

Dr. Mukundakam Sharma, J.—An advertisement was issued by the respondent Board for recruitment to various posts including the post of Probationary Officer in the Bank of India and Bank of Maharashtra. It was stated in the advertisement that the total number of vacancies for the post of Probationary Officer was 100. A note was also appended to the advertisement which stated that the number of vacancies including the reserved vacancies mentioned in the advertisement were merely provisional and may vary according to the actual requirement of the banks. The said advertisement was issued by the respondent pursuant to the indents placed by the Bank of India and Bank of Maharashtra on the respondent Board that they proposed to appoint 50 Probationary Officers each in their banks. The details of the proposed vacancies were also mentioned in the said advertisement which was issued pursuant to the indents placed by the said two banks.

2. In response to the aforesaid advertisement a number of candidates including the petitioner submitted their applications to the respondent Board for recruitment against the advertised vacancies. A written test was held by the respondent and a merit list was prepared of the successful candidates in the said written examination in which the name of the petitioner was placed at Serial

No.194 of the merit list. On the basis of his position in the merit list a provisional call letter dated 17.11.1999 was issued to the petitioner advising him to appeal for interview. Similar call letters were issued to those candidates who were successful in the written test and eligible to be called for the interview. In the said call letter it was clearly stated that the said letter did not constitute an offer of employment. In the general category to which the petitioner also belongs, interview call letters were issued to 245 candidates against 59 vacancies. The bank of India in the meantime sent a communication dated 22.11.1999 to the respondent Board not to go ahead with the recruitment process pursuant to their indent of 50 Probationary Officers as the bank had taken a decision of making no recruitment for the present. In view of the aforesaid position the vacancies of the Probationary Officers stood reduced from 100 to 50. But by the time the aforesaid communication was received from the Bank of India provisional call letters for interview had already been issued to 408 provisionally eligible candidates out of which 245 candidates were of the general category. In the aforesaid circumstances the respondent Board went ahead with the interview programme as scheduled despite the fact that the number of vacancies stood reduced from 100 to 50 and on the basis of the selection process the Board prepared a list of successful candidates merit- wise of the candidates of the reserved category and also of the general category which was forwarded to the Bank of Maharashtra as per their requirement.

3. Before the final results were published the respondent Board released an announcement on 1.2.2000 in the newspapers intimating the reduction in the number of vacancies due to cancellation of indent for 50. Probationary Officers by Bank of India. In view of the said position the number of vacancies got reduced from 100 to 50 made up of 34 vacancies in the general category and 16 vacancies in the reserved category as against 59 posts in the general category and 41 posts in the reserved category. In the final merits list, after interview the name of the petitioner was at No.163 in the order of merit, and Therefore, the petitioner who belongs to the general category had no change of being appointed. The Bank of Maharashtra also completed to process of appointment of candidates/officers as required by them.

4. Being aggrieved by the aforesaid action on the part of the respondent in reducing the number of vacancies to 50 only as against the earlier decision to make recruitment for 100 vacancies the petitioner filled the present petition contending inter alias that the decision of the respondent in reducing the original vacancies by 50% after completion the entire process of recruitment is arbitrary and illegal.

5. Counsel appearing for the petitioner, during the course of his arguments, submitted that the decision of the respondent in reducing the vacancies for the post of Probationary Officers from 100 to 50 after the completion of the entire process of recruitment is arbitrary and the same has caused prejudice to a large number of candidates including the petitioner. In support of his contention

reliance was placed on the decision of the Supreme Court in Union of Public Service Commission Vs. Gaurav Dwivedi and Others, .

6. Counsel appearing for the respondent however, drew my attention to the circumstances under which the said reduction of the vacancies was made by the respondent and he submitted that the said reduction by the respondent Board in view of cancellation of the indent of requirement by one of the banks was fully justified and was in accordance with law. He also submitted that note was also appended to the advertisement wherein it was specifically mentioned and brought to the notice of the intending applicants that the number of vacancies announced are provisional and that the same could vary according to the actual requirement of the banks. It was submitted that since the bank of India had cancelled their indent for recruitment of 50 Probationary Officers the reduction had to be made in the actual, number of vacancies available and the same was also announced by the respondent Board through announcement in the newspapers.

7. The records placed before me disclose that the aforesaid advertisement was issued by the respondent Board pursuant to the indents placed by the Bank of India and Bank of Maharashtra intimating that they proposed to appoint 50 Probationary Officer each in their banks. The advertisement was issued pursuant to the said indents placed by the banks indicating their requirement of total 100 number of probationary Officers and when one of the banks namely - Bank of India sent a communication on 22.11.1999 to the respondent Board intimating their decision not to go ahead with the recruitment process in respect of their indent of 50 Probationary Officers the vacancies of the Probationary Officers naturally stood reduced from 100 to 50 but the said intimation from the Bank of India was received by the respondent Board only after the provisional call letters for interview were issued to the 408 provisionally eligible candidates.

8. Since the said candidates were called, their interview was taken and finally a list was prepared for filling up the vacancies of 50 officers pursuant to the indent issued only by the Bank of Maharashtra, the issue Therefore, that arises for my consideration is whether the aforesaid reduction of the number of vacancies for the post of Probationary Officers was in any manner arbitrary or illegal. In the decision of Union Public Service Commissioner (supra) the Supreme Court has held that in the advertisement which was issued it was stated that the number of vacancies was only an approximate number which was subject to change and that once it is considered, so that the number of vacancies to be filled could be reduced, then the Rules do not stipulate that the entire process of examination must be completed, including the conduct of the interview/viva voice test, on the basis of original number of vacancies which were notified. It was also held that when before the declaration of result of the examination the number of vacancies have been determined then it was only proper that candidates who are twice the number of revised vacancies are called for interview and not more. In the said case the selection involved a competitive examination with the number of

vacancies being 470 only, 940 candidates were required to be called for interview. In that context the Supreme Court held that by calling more than this number may result in prejudice to one or more of the candidates who were in the position of 940 or above.

9. Therefore, it is clear from the said decision of the Supreme Court that it is permissible for the respondent to reduce the number of vacancies particularly, when in the advertisement it was stated that the number of vacancies was only an approximate number which was subject to change. Similar stipulation was also found mentioned in the advertisement published by the respondent Board and Therefore, when one of the banks intimated their intention not to proceed with the selection process in respect of their indent for recruiting 50 Probationary Officers, the number of vacancies naturally got reduced to only 50 pursuant to the only indent left in the field that is of Bank of Maharashtra. But the said intimation came to the respondent only after issuance of the call letters to the candidates. It is also stated that the ratio generally maintained for calling the candidates for interview is 1:4. Counsel appearing for the petitioner submitted that the said ratio got changed and candidates were called for the interview in the ratio of 1:8. It is true that the ratio followed for calling candidates as against the number of vacancies is generally maintained at 1:4 which however, is not a hard and fast rule and is only a practice followed by the Board.

10. In the present case, after the written examination the petitioner was placed at S.No.194 in the merit list prepared. Had the number of vacancies not been 59 in the general category the petitioner would not have at all been called for interview. Even in the final merit list the name of the petitioner was at No. 163 in the order of merit. Therefore, the petitioner has not suffered any prejudice by calling a bigger number of candidates for the interview, for otherwise if call should have been made on the basis of 1:4 ratio against the number of vacancies existing and to be filled up, the petitioner would not have even got the opportunity of being called for interview. Therefore, the decision relied upon by the counsel appearing for the petitioner are based on different factual situation and Therefore, distinguishable.

11. The petitioner went through the selection process and in the final merit list he was only at No.163 and Therefore, the vacancy position did not justify the selection of the petitioner for appointment against one of the vacancies for the post of Probationary Officer.

12. In the result, I find no merit in this petition and the same is dismissed. There will be no order as to costs.