
(2002) 03 AHC CK 0016
In the Allahabad High Court
Case No : C.M.W.P. No. 9401 of 2002

Swami Nath

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 05-03-2002

Acts Referred:

Citation : (2002) 93 FLR 491 : (2003) 1 LLJ 632

Hon'ble Judges : Janardan Sahai, J

Bench : Single Bench

Advocate : R.N. Yadav, for the Appellant; Vivek Ratan, for the Respondent

Final Decision : Dismissed

Judgement

Janardan Sahai, J.—Heard counsel for the petitioner and Sri Vivek Ratan counsel for the respondents.

2. The petitioner is a Cashier in the Union Bank of India. Examinations for departmental promotion to the post of Officer cadre were held in the year 2001. The petitioner appeared in the said examinations. Annexure 4 to the writ petition is a copy of the circular relating to the Promotion Process from Clerical to Officer Cadre. It provides that the minimum qualifying marks in each of the papers English, Law and Practice of Banking, Commercial Law and Accountancy and Practical Banking is 35% and the maximum marks that could be awarded in each of the papers is 50. The petitioner was unsuccessful in the written examination as he obtained 17 marks out of 50 in the English paper, which would be evident from the letter of the Union Bank of India dated August 21, 2001 a copy of which has been filed as Annexure 5 to the writ petition. Thus the petitioner obtained less than 35% marks inasmuch as 17 out of 50 would be equal to 34%. Learned counsel for the petitioner submits that there was no provision of allotment of half marks and, therefore, the minimum marks that a person would be required to obtain would be 18 which would be 36%. He submits that the whole process of selection is bad on that account and it is prayed in this petition that the

examination policy be declared ultra vires and the petitioner be promoted to officers cadre. There is no merit in this submission. The minimum qualifying marks have been fixed at 35% and admittedly, the petitioner has not secured 35% in English paper. It is not for this Court to question the wisdom of fixation of minimum qualifying percentage of the marks but it is for the Bank. In view of the fact that the petitioner has secured only 34% marks, there is no infirmity in the non-selection of the petitioner.

3. There is no merit in this writ petition.

4. Dismissed.