

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 257 of 2023

Sujeet Kumar Das aged about 29 years son of Shri Binod Das, resident of Nawadih, P.O. Domchanch, P.S. Domchanch, District Koderma **Petitioner**

... ... **Petitioner**

Versus

1. Bank of Maharashtra through its Managing Director Cum CEO, office at Human Resources Management Department Lokmangal, 1501, Shivajinagar, P.O. and P.S. Shivajinagar, District Puna, Maharashtra.
 2. Zonal Officer, Zonal Office, Bank of Maharashtra, Kolkata Zone, Macleod House, Po-Macleod, P.s-Kolkata, 3. N.S. Road, Kolkata 700001, West Bengal.
 3. Manager, Bank of Maharashtra, Ranchi Club Complex, P.o. G.P.O., P.S. Chutia, District Ranchi

With

With
W P (S) No. 1798 of 2023

Ranjeet Kumar Das aged about 32 years son of Shri Binod Das, resident of Nawadih, P.O. Domchanch, P.S. Domchanch, District Koderma **Petitioner**

Petitioner

Versus

- VERSUS

 1. Bank of Maharashtra through its Managing Director Cum CEO, office at Human Resources Management Department, Lokmangal, 1501 Shivajinagar, P.O. and P.S. Shivajinagar, District Pune, Maharashtra.
 2. Zonal Officer, Zonal Office, Bank of Maharashtra, Kolkata Zone, Macleod House, 2 N.S. Road, P.O.- Kolkata and P.S.- Vangore, District- Kolkata-700001, West Bengal.
 3. Manager Bank of Maharashtra, Ranchi Club Complex, P.O.- G.P.O., P.S.- Chutia, District Ranchi.

... ... **Respondents**

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Petitioner(s) : Mr. Binod Kumar Jha, Advocate
For the Respondents : Mr. Rohit Ranjan Sinha, Advocate

08/29.04.2024

Learned counsel for the parties are present.

2. Learned counsel for the parties have referred to the counter-affidavit filed in W.P.(S) No. 257 of 2023 and have advanced their

argument in both the writ petitions by referring to the said counter affidavit as common issues are involved in both the writ petitions.

3. W.P.(S) No. 257 of 2023 has been filed for the following reliefs:

"For issuance of appropriate Writ/Writs, direction/directions, order/orders commanding upon the Respondents to consider the candidature of Petitioner for Appointment in the post of Part Time Substaff (PTS) -1/3rd Scale wages due to the reason that Petitioner has already qualified in the written test conducted for the aforesaid post but till date without any proper reason Respondents have been sitting tight over the matter without issuing Appointment Letter to the Petitioner;

AND

Petitioner further prays for issuance of appropriate Writ/Writs, direction/directions, order/orders commanding upon the Respondents to immediately issue Appointment Letter to the Petitioner for the post of Part Time Substaff (PTS) -1/3rd Scale wages."

4. W.P.(S) No. 1798 of 2023 has been filed for the following reliefs:

"For issuance of appropriate Writ/Writs, direction/directions, order/orders commanding upon the Respondents to consider the candidature of petitioner for Appointment in the post of Part Time Substaff (PTS) -1/3rd Scale wages due to the reason that petitioner has already qualified in the written test conducted for aforesaid post but till date without any proper reason Respondents have been sitting over the matter without issuing Appointment Letter to the Petitioner;

AND

Petitioner further prays for issuance of appropriate Writ/Writs, direction/directions, order/orders commanding upon the Respondents to immediately issue Appointment Letter to the petitioner for the post of Part Time substaff (PTS)- 1/3rd scale wages."

5. Learned counsel for the petitioner(s) submits that pursuant to an advertisement issued by the respondents for appointment of *Part Time Sub-staff* way back in the year 2017, the petitioners had participated in the online written examination held on 09.09.2018 and the result was declared. Thereafter, the petitioners have not heard anything from the respondents. As per the advertisement, after the written examination, interview was also required to be held. He submits that after the publication of result of written examination, nothing has happened and therefore, the petitioners have approached this Court.

6. The learned counsel submits that the petitioners have a legitimate expectation that the selection process would continue and the selection process will be taken to a logical end. He has further submitted that the petitioners are not party to any of the litigations

filed before Hon'ble Bombay High Court as they are not yet member of Federation who has filed writ petition before Hon'ble Bombay High Court, the petitioners have not yet been inducted in service.

7. The learned counsel appearing on behalf of the respondents, while opposing the prayer of the petitioners, has submitted that the vacancy was advertised for different places all over India and different places had different number of vacancies. The advertisement has been placed on record vide Annexure- A to the counter-affidavit filed in W.P.(S) No. 257 of 2023.

8. The learned counsel has submitted that the specific case of the All-India Bank of Maharashtra Employees Federation before the Hon'ble Bombay High Court is that the *Part Time Sub-staff* employees were required to be recruited in terms of Memorandum of Settlement dated 05th April 2017 and award dated 06th June 2017 passed by Central Government Industrial Tribunal, Pune in Reference (IT) No. 19 of 2017.

9. The learned counsel submits that a specific stand has been taken in paragraph 6 of the counter-affidavit that the selection process has not been completed and is lying in abeyance due to various litigations pending at the instance of the Union of the employees/Daily Wagers and for certain other issues. He also submits that if any positive direction is passed in these writ petitions, then conflicting situation will emerge. The learned counsel submits that the petitioners should await the outcome of the case before the Hon'ble Bombay High Court and thereafter, the petitioners will be treated at par with other similarly situated persons.

10. The learned counsel for the respondents also submits that the interim orders passed by the Hon'ble Bombay High are also subject matter of consideration before the Hon'ble Supreme Court.

11. After hearing the learned counsel for the parties and considering the facts and circumstances of this case, it appears that the respondents had issued advertisement for recruitment of *Part Time Sub-staff* for different places spread all over India as back as in the year 2017 and the petitioners had also participated in the on-line

written examination, but the process of selection by way of interview etc. was not taken up and the petitioners remained clueless regarding the fate of the selection process. Consequently, the present writ petitions have been filed.

12. The records reveal that the selection process in connection with *Part Time Sub-staff* arising out of the same advertisement is subject matter of consideration before the Hon'ble Bombay High Court and certain interim orders have also been passed and therefore, a specific stand has been taken by the respondents in the counter-affidavit that the selection process is not complete and has been lying in abeyance due to various litigations pending at the instance of the Union of the employees/Daily Wagers and for certain other issues.

13. In view of the aforesaid stand taken by the respondents, it appears that the selection process has not yet been cancelled and it has only been kept in abeyance.

14. In such circumstances, this Court is not inclined to issue mandamus as prayed for by the petitioners.

15. However, it goes without saying that the respondents would certainly take a final call with regard to the recruitment process depending upon the result of the litigation pending at Hon'ble Bombay High Court.

16. These writ petitions are accordingly disposed of.

17. Pending interlocutory application, if any, is closed.

(Anubha Rawat Choudhary, J.)

Pankaj