

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 30TH JUNE 2010 / 9TH ASHADHA 1932

WP(C).No. 17437 of 2010(D)

PETITIONER(S):

**PREETHA.C,D/O.GOPALAN,RESIDING AT
KAPPRIKKATTIL HOUSE,PAYYOLI,KOZHIKODE.**

**BY ADVS. SRI.P.A.HARISH,
SMT.RESMI NANDANAN.**

RESPONDENT(S):

- 1. UNION BANK OF INDIA,REPRESENTED BY ITS
GENERAL MANAGER(P)DEPARTMENT OF PERSONAL MANPOWER
PLANNING AND RECRUITMENT OFFICE,UNION BANK BHAVAN,
239,VIDHAN BHAVAN MARG,NARIMAN POINT,MUMBAI-21.**
- 2. THE REGIONAL MANAGER,UNION BANK OF INDIA,
CC 38/542,UNION BANK BHAVAN,M.G.ROAD,
ERNAKULAM.**

R1 & R2 BY ADV. SRI.A.S.P.KURUP, SC, UBI

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 30/06/2010, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Kss

WPC.NO.17437/2010 D

APPENDIX

PETITIONER'S EXHIBITS:

P1: COPY OF THE ON LINE APPLICATION FORM MADE BY THE PETITIONER.

P2: COPY OF THE CALL LETTER.

P3: COPY OF THE POSTAL COVER BEARING THE POSTAL SEAL.

P4: COPY OF THE REPRESENTATION.

RESPONDENT'S EXHIBITS:

R1A: COPY OF RECRUITMENT NOTIFICATION DTD. 7/09/2009 ISSUED BY FIRST RESPONDENT.

R1B: COPY OF ONLINE APPLICATION DTD. NIL SUBMITTED BY PETITIONER.

R1C: COPY OF COMMUNICATION DTD. 12/05/2010 ISSUED IN THEIR MAIL ID ADDRESS TO ALL CANDIDATES WHO WERE SELECTED FOR INTERVIEW.

/TRUE COPY/

P.A.TO JUDGE

Kss

ANTONY DOMINIC, J.

W.P.(C.) No.17437 of 2010 (D)

Dated, this the 30th day of June, 2010

J U D G M E N T

In response to an advertisement issued by the respondent Bank for filling up 80 vacancies in the clerical cadre in the State of Kerala, the petitioner submitted an application to one of the 8 vacancies reserved for Scheduled Caste candidates. She appeared for written test and passed the examination. Interview was scheduled to be held on 20/05/2010. According to the petitioner, postal intimation in that behalf was received by her only on 21/05/2010. She made representations requesting the authorities to interview her separately. There was no response and therefore, the writ petition has been filed.

2. According to the petitioner, she received the postal intimation for the interview scheduled on 20/05/2010 only on 21/05/2010. It is also her contention that she was not intimated of the interview even in the e-mail ID furnished by her along with the On-Line application she made to the Bank.

3. Claim of the petitioner is contradicted by the Bank in its counter affidavit filed. Clause 13(m) of Ext.R1(a), the recruitment notification, dealing with the general instructions to be given to the candidates is extracted below for reference:-

“Only those candidates (1) who have prima facie, on the basis of the information given in the On-Line Application Form, met with the eligibility criteria & / or (2) who have cleared their Written Examination and (3) who are short-listed for appearing in the Personal Interview and (4) those selected for Pre-Recruitment Medical Examination on the basis of their overall performance in the Written Test & / or Personal Interview, will be individually intimated by Post at the address furnished by them in the Application Form. A list of all such candidates will also be hosted on the Bank's website 'www.unionbankofindia.co.in' under the link “Careers”. CANDIDATES ARE ADVISED TO KEEP TRACK OF THE STATUS OF THEIR CANDIDATURE BY VISITING THE BANK'S WEBSITE FROM TIME TO TIME AND NOT TO MAKE TELEPHONIC or E-MAIL ENQUIRIES AS SUCH PERSONAL & / OR TELEPHONIC & / OR E-MAIL OR POSTAL ENQUIRIES WILL NOT BE ENTERTAINED / RESPONDED TO.”

4. A reading of this provision shows that although the Bank had made a provision for postal intimation to the candidates who are enlisted for personal interview, in anticipation of the chances of delay of delivery or misplacement of postal intimation despatched to the candidates, the candidates were also advised to keep track of

the website of the Bank, where the particulars are furnished by the Bank. It is also seen from Clause 15 of Ext.R1A that the candidates were required to furnish their e-mail ID and were required to keep the same valid for the entire duration of the recruitment.

5. Ext.R1C is the e-mail intimation, which according to the Bank, was given to the candidates mentioned therein on 12/05/2010. From Ext.R1C, it is seen that intimation was given to the e-mail ID furnished by the petitioner also. However, the petitioner has a case that her e-mail ID as indicated in Ext.R1C is incomplete and that therefore, she did not receive the e-mail. However, the incompleteness in Ext.R1C produced in the writ petition is obviously due to the defect in the photocopy. This is obvious from a perusal of the addresses of all other candidates to whom also intimation has been given by Ext.R1C, which addresses are complete in all respects and except the petitioner none has complained of non-receipt of intimation so far.

Thus going by Clause 13(m) of Ext.R1A, even if it is assumed that postal intimation was not served on the petitioner in time, since intimation has been given in the e-mail ID of the petitioner, the

Bank had complied with the clauses of the vacancy notification providing for intimation of the interview. If that be so, the Bank cannot be faulted for the delay in serving the postal intimation. For that reason, I am not persuaded to interfere in the matter.

The writ petition fails and is accordingly dismissed.

(ANTONY DOMINIC, JUDGE)

jg