

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 26th December, 2017

+ **W.P.(C) 11598/2017**

PRASHANT PRANAV & ORS. Petitioners

Through: **Mr.Gaurav Gupta and
Mr.Jaspal Singh, Advs.**

versus

UNION OF INDIA & ORS. Respondents

Through: **Ms.Jyoti Dutt Shara, Adv. for
R-1.
Mr.Rakesh Kumar Khanna, Sr.
Adv. with Mr.Anil Kumar
Sangal, Mr.Siddharth Sangal
and Mr.Abhay Kumar Tayal,
Advs. for R-2 and 3.**

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

NAVIN CHAWLA, J. (Oral)

CM 47234/2017 (exemption)

Exemption allowed subject to all just exceptions.

WP(C) 11598/2017 & CM 47233/2017

1. The present petition has been filed by the petitioners challenging the recruitment process of “ Probationary Officers” in the

State Bank of India vide advertisement No CRPD/PO/2016-17/19 dated 6th February, 2017.

2. The petitioners, drawing a reference to the following clauses of the advertisement, submit that the advertisement clearly stipulated that each candidate must qualify in each of the test in the “Objective Test” category as also for the “Descriptive Test” before being considered eligible for appointment:

“Phase-II: Main Examination:

Main Examination will consist of Objective Tests for 200 marks and Descriptive Test for 50 marks. Both the Objective and Descriptive Tests will be online. Candidates will have to answer Descriptive test by typing on the computer. Immediately after completion of Objective Test, Descriptive Test will be administered.

Objective Test: *The objective test of 3 hours duration consist of 4 Sections for total 200 marks. The objective test will have separate timing for every section. The candidates are required to qualify in each of the Tests by securing passing marks, to be decided by the Bank.*

| <i>SL.</i> | <i>Name of Test</i> | <i>No. of Questions</i> | <i>Marks</i> | <i>Duration</i> |
|------------|--|-------------------------|--------------|-------------------|
| <i>1.</i> | <i>Reasoning & Computer Aptitude</i> | <i>45</i> | <i>60</i> | <i>60 minutes</i> |
| <i>2.</i> | <i>Data Analysis &</i> | <i>35</i> | <i>60</i> | <i>45 minutes</i> |

| | | | | |
|----|---|-----|-----|------------|
| | <i>Interpretation</i> | | | |
| 3. | <i>General/Economy/ Banking Awareness</i> | 40 | 40 | 35 minutes |
| 4. | <i>English Language</i> | 35 | 40 | 40 minutes |
| | <i>Total</i> | 155 | 200 | 3 hours |

Descriptive Test: The Descriptive Test of 30 minutes duration with 50 marks will be a Test of English Language (Letter Writing & Essay). The candidates are required to qualify in the Descriptive Test by securing passing marks, to be decided by the Bank.

Descriptive Test paper of only those candidates will be evaluated who have scored qualifying marks in the Objective Tests and are placed adequately high as per total marks in objective test.

Penalty for Wrong Answers (Applicable to both - Preliminary and Main examination)

There will be penalty for wrong answers marked in the Objective Tests. For each question for which a wrong answer has been given by the candidate one fourth of the marks assigned to that question will be deducted as penalty to arrive at corrected score. If a question is left blank, i.e. no answer is marked by the candidate, there will be no penalty for that question.” (Emphasis Supplied)

3. It is the case of the petitioners that candidates who secured 00 (zero) in various subjects/test in the “Objective Test” have been

considered for appointment by the respondent Nos. 2 & 3, thereby vitiating the entire selection process. The petitioners further submit that even if the respondent felt that there was a need for relaxation in the selection norms, the same could not have been so drastically changed so as to do away with the entire pre-condition of qualifying in the subjects. It is submitted that changing the selection criteria after initiation of selection process was not maintainable and the same would vitiate the entire selection process.

4. This Court, while issuing notice in the petition vide order dated 22nd December, 2017, had called upon respondent Nos. 2 & 3 to produce relevant record/data to show so as to how many candidates would qualify if the sectional cut off is fixed and how many would qualify if aggregate is taken.

5. The learned senior counsel for respondent Nos. 2 and 3 has handed over a Note initiated by the General Manager, SBI, which it is alleged, was duly approved by the Deputy Managing Director and the Chief General Manager (HR) of the Central Human Resource Committee (CHRC) of respondent No. 2 and records that the earlier criteria followed by the respondent No. 2 was to have a cut off of 25% marks for the General Category in each subject and 40% in the overall. The same was 20% in each subject and 35% overall for the Reserved Category. In case sufficient number of candidates did not qualify the tests, a relaxation of up to maximum of 5% was also prescribed. In the current selection process, however, applying the above mentioned selection criteria only 138 candidates were found

eligible against the vacancy of 2313. As the general criteria is to have three times the number of vacancies to be called for interview, the question of relaxation was discussed with Institute of Banking Personnel Selection (IBPS) and several scenario were analyzed. It was eventually considered not to stipulate any qualifying marks in each individual objective test for all categories and reduce the aggregate qualifying marks by 10% for each category. It was only upon adopting such relaxed norms that the respondent No. 2 could finally get a pool of 6327 candidates for the purposes of selection. It is further pointed out by the learned senior counsel for respondent Nos. 2 & 3 that even the petitioners were beneficiaries of such relaxed norms as otherwise, they would not have qualified for interview if the respondent Nos. 2 & 3 had insisted upon the norms that were earlier fixed.

6. I have considered the submissions made by the counsel for the parties. It is to be noted that the advertisement did not prescribe any minimum qualifying marks for each of the subjects/tests in the “Objective Test” or “Descriptive Test”. The advertisement merely mentioned that the candidates have to qualify in each of the test by securing passing marks “to be decided by the Bank”. Such decision at a later stage necessarily meant that the respondent No. 2 wanted to retain a discretion for itself to determine the qualifying marks based on the overall result of the examination and keeping in mind the criteria that around 3 times the number of vacancies have to be called for the purposes of interview.

7. In the present case, it is evident from the Note initiated by the General Manager of respondent No. 2 and as approved by the CHRC that, leave alone adequate number of candidates, even a minimal number of candidates could not have been qualified as per the earlier followed norms of respondent No. 2. This necessarily required the respondent No. 2 to relax the norms or to re-initiate the entire selection process, which would have resulted in delay and may not have been administratively feasible for respondent No. 2. Petitioners were also beneficiaries of such decision, though may have eventually failed to make the selection.

8. Once it is seen that the advertisement did not prescribe any minimum qualifying marks and the decision which has been taken by the respondent No. 2 takes relevant criteria into account and no *mala fide* in that decision can be attributed to respondent Nos. 2 and 3, I find no substance in the challenge.

9. It is correct that once the selection process is initiated, normally, the recruiting authority is not allowed to change the selection criteria, however, the said principle would have no application to the facts of the present case as no such criteria was, in fact, stated in the advertisement itself .

10. Though the learned counsel for the petitioners made attempt to attract some *mala fide* on respondent No. 2 by alleging that candidates securing lower marks in such Objective and Descriptive test have been granted higher marks in the interview, I find the same was not the basis of filing of the present petition.

11. In view of the above, I find no merit in the present petition. The same is accordingly dismissed with no order as to costs.

12. Dasti under the signature of the Court Master.

NAVIN CHAWLA
(VACATION JUDGE)

DECEMBER 26, 2017/Nk

