

HIGH COURT OF TRIPURA
AGARTALA

WP(C) No.607/2020

Shri Tathagata Chanda,
S/o Sri Sajal Chanda, resident of Joy Nagar Lane No.4,
P.O : Joynagar, Pin : 799 001, Agartala, District : West Tripura.
..... *Petitioner(s)*.

Vs.

1. The Tripura Gramin Bank, represented by its Chairman,
P.O : Abhaynagar, Pin : 799 005, Agartala, District : West Tripura.
2. The Chairman, Tripura Gramin Bank, P.O : Abhaynagar,
Pin : 799 005, Agartala, District : West Tripura.
3. The Institute of Banking Personnel Selection (IBPS) represented by its
Chairman, IBPS House, near Thakur Polytechnic, of Western Express
Highway, PB No.8587, Kandibvali, East Mumbai : 400 101.
..... *Respondent(s)*.

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HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI

For Petitioner(s) : Mr. C S Sinha, Advocate.

For Respondent(s) : Mr. A Roy Barman, Advocate.

Date of hearing & judgment : 30th September, 2020.

Whether fit for reporting : No.

J U D G M E N T (O R A L)

Petitioner seeks a direction for appointment to the post of Officers Scale-I in respondent No.1 Tripura Gramin Bank against an unreserved vacancy pursuant to recruitment process initiated vide advertisement dated 6th June, 2018.

[2] The petitioner had appeared for selection to the said post in response to the advertisement issued by the respondent-Bank. His name was kept in the wait list. On the ground that no vacancies were available, the Bank refused to operate the wait list and thereby deprived an opportunity to be appointed. The petitioner and other similarly situated candidates approached this Court by filing writ petitions. Petitioner had filed WP(C) No.1422/2019. All these petitions were disposed of by a common judgment dated 6th March, 2020. It was held that a wait listed candidate has no right of appointment, however, there has to be a valid reason for the Bank not to operate such wait list when the selected candidate refuses to accept the offer of appointment. While saying so, it was also realised that the petitioners may not be at the top of the wait list. In this background, in case of the petitioner, following directions were issued :

“9. In WP(C) No.1422 of 2019 the respondents are directed to operate the reserved list for UR category for one vacancy to be offered to the first person in the reserved list, be it the petitioner or anyone else.”

[3] The petitioner and other similarly situated litigants moved contempt petitions. Petitioner had filed Contempt Petition No.24/2020. All these contempt petitions were disposed of by an order dated 15th July,

2020. In case of the petitioner, following observations and directions were issued.

“.....So far as Contempt Petition No.24 of 2020 in case of Sri Tathagata Chanda is concerned, it is provided that the Bank shall ascertain whether the said contempt petitioner’s name appears immediately below the name of the said Sri Rupam Datta as per merit and offer appointment on the post in question if as per the rules of the Bank, waiting list is to be maintained. This exercise may be completed within 8(eight) weeks from today. Whatever be the decision of the Bank, the same shall be communicated to the said petitioner.”

[4] Consequently, the Bank issued a communication dated 20th August, 2020 to the petitioner and conveyed to the petitioner as under :

“Sir,

In view of compliance the Order dt.15.07.2020, passed by the Hon’ble High Court of Tripura in connection with the case No. Cont. Cas(C) No.24 of 2020, the Bank has informed the matter to the IBPS through e-mail and sought for the name of the candidate, immediate below the name of Shri Rupam Datta from the reserved list in connection with CRP RRB VII for the post of Officer Scale-I. The IBPS replied through e-mail into the effect that “.... the name of the Petitioner, Mr. Tathagata Chanda does not appear immediately after the name of Shri Rupam Datta”.

Therefore, your name is not found immediately below the name of Shri Rupam Datta as per merit. Hence, the Bank is not in a position to issue an Offer of Appointment in your favour.”

[5] It can thus be seen that after the Court passed the judgment on 6th March, 2020 in case of the petitioner, the Bank operated the wait list by offering appointment to a person at the top of wait list who happened to be one Rupam Datta. When Rupam Datta did not accept the appointment, while disposing of the contempt petition, the Bank was asked to verify whether the petitioner's name was immediately below the name of Rupam Data in the merit position and if so, offer appointment to him, if as per the rules of the Bank wait list is to be maintained. It was in this background, that the Bank conveyed to the petitioner under letter dated 20th August, 2020 that his name did not appear immediately below that of Rupam Datta and, therefore, he cannot be offered appointment.

[6] In the decision in the writ petition as well as in the contempt order, there was no intention on part of the Court to ask the Bank to operate the wait list indefinitely till it is exhausted or the petitioner's chance of serving the Bank arrives. Additionally, counsel for the Bank stated that even the wait list had expired in December, 2019. That apart, the petitioner has no legitimate claim for appointment by operating the wait list indefinitely. That the Bank offered the vacancy to the first person in the wait list who refused and when it was found that the petitioner was

also not immediately below such person, there cannot be any further direction for appointing the petitioner.

In the result, petition is dismissed. Pending application(s), if any, also stands disposed of.

(AKIL KURESHI), CJ