

APHC010465622017



**IN THE HIGH COURT OF ANDHRA
PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3603]

MONDAY, THE 3rd DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

WRIT APPEAL NO: 147/2017

Writ Appeal under clause 15 of the Letters Patent Appeal preferred against the order dated 14.12.2016 passed in WP No.7523/2003

Between:

1. CGM, STATE BANK OF INDIA, MUMBAI & 2 OTHERS,
STATE BAK OF INDIA, LOCAL HEAD OFFICE,
M.C.ROAD, MUMAI, 400 003, MAHARASTRA STATE.
2. STATE BANK OF INDIA,, REP. BY ITS CHIEF
MANAGER (PERSONNEL & H.R.D.)) SECTION,
ZONAL OFFICE, PLOT NO.76, (PART), N-5, SIDCO,
AURANGABAD, MAHARASTRA STATE.
3. MEDICAL OFFICER,, STATE BANK OF INDIA,
AURANGABAD, MAHARASTRA STATE

...APPELLANT(S)

AND

1. I TARAKARAMAN W G DIST ANOTHER, SON OF I.S.
KRISHNA MURTHY, AGED ABOUT 29 YEARS, (AS
2003) OCC : UNEMPLOYED, R/O. NIDADAVOLU,
WEST GODAVARI DISTRICT, A.P.,

2.BANKING SERVICE RECRUITMENT BOARD,
MUMBAI, REGENT CHAMBERS, 11TH FLOOR,
NARIMAN POINT, MUMBAI-400 021 REP. BY ITS
SECRETARY

...RESPONDENT(S):

IA NO: 1 OF 2017(WAMP 315 OF 2017

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the order dated 14-12-2016 passed in W.P.No. 7523 of 2003

IA NO: 2 OF 2017(WAMP 2206 OF 2017

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased vacate the interim suspension order dt. 09.02.2017 passed in WAMP No. 315 of 2017 in WA No. 147 of 2017 and dismiss the Writ Appeal, and pass

Counsel for the Appellant(S):

1.V UMA DEVI

Counsel for the Respondent(S):

1.Y V ANIL KUMAR

THE HONOURABLE SRI JUSTICE D RAMESH
THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR
WRIT APPEAL NO: 147 /2017

Judgment: (Per Hon'ble Sri Justice D.Ramesh)

1. Heard the learned counsel for the appellants and the learned counsel for the respondents.
2. The present Writ Appeal is filed aggrieved by the order dated 14.12.2016 passed by the learned Single Judge in W.P. No.7523 of 2003.
3. The said writ petition was filed by the petitioner/respondent herein questioning the action of the respondents in declaring the petitioner as medically unfit for appointment to the post of Clerk in the State Bank of India, Aurangabad Zone, and consequently seeking a direction to the respondents to appoint him as a Clerk in the State Bank of India on the basis of the medical certificate issued by the Civil Surgeon, together with all consequential benefits.
4. The learned Single Judge, upon considering the material available on record, allowed the writ petition by order dated 14.12.2016 with the following directions:

“The writ petition is allowed declaring that the action of the respondents in declaring the petitioner as medically unfit for the post of clerk in State Bank of India is illegal and arbitrary and violative of Articles 14 and 16 of the constitution of India and the respondents are directed to appoint the petitioner as clerk with respective effect from 31.01.1997 with all consequential benefits, including seniority and monetary benefits”.

5. The learned counsel appearing for the appellant fairly submitted that the appellant Bank is willing to consider the case of the petitioner/respondent on the basis of the mercy appeal dated 02.06.2024 submitted by him and also in the light of the affidavit filed by the petitioner/respondent in the present appeal dated 22.04.2026.

6. The learned counsel appearing for the appellant filed a Memo dated 03.08.2026, enclosing the communication received from the competent authority of the appellant Bank dated 02.08.2024, which reads as follows:

(i) The petitioner will join the bank in the junior associate cadre after obtaining the consent order/decreed from the Hon'ble court.

(ii) The petitioner will not claim any consequential benefits including the seniority and monetary benefits from the bank for the period prior to the date of actual joining the duty of the bank.

(iii) No financial or seniority benefits will be accorded to the petitioner from the date of his back dated appointment, i.e., 02.08.2024 till the actual date of joining the bank.

(iv) The petitioner is agreeable to be posted to any branch under the control of Maharashtra Circle and no disputes will be entertained in this regard post-appointment in the bank.

(v) The petitioner, if joins the bank he will be covered under the national pension scheme as applicable to all new recruits and the rules and regulation of NPS will be applicable to him.

(vi) The breach of any of the above terms will result in cancellation/termination of his appointment/employment.

(vii) The petitioner will furnish the undertaking giving consent for the above terms with free will, without any coercion and that he has not been pressurized or compelled by anyone to submit the present undertaking.

7. The learned Senior Counsel appearing for the petitioner/respondent submitted that the petitioner has no objection to the proposal contained in the Memo, except with regard to Clauses II and III thereof. The learned Senior Counsel initially pressed for continuity of service for the purpose of retiral benefits. However, upon instructions and having regard to the proposal made by the appellant Bank, the learned Senior Counsel fairly submitted that the petitioner would not press the

said claim and expressed his consent for continuity of service only from the date mentioned in the communication of the appellant Bank, i.e., 02.08.2024.

8. Having regard to the submissions made by the learned counsel on either side and upon perusal of the material placed on record, particularly the Memo dated 03.08.2026 filed by the appellant along with the communication dated 02.08.2024, and as the appellant Bank is willing to consider the case of the petitioner and the petitioner has no objection to the proposal made by the Bank, this Court is of the view that the appeal can be disposed of in terms of the said Memo.

9. Accordingly, the Writ Appeal is disposed of by directing the appellant authorities to consider and give effect to the mercy appeal submitted by the petitioner/respondent on 02.06.2024 and appoint him to the post of Junior Associate in the appellant Bank with effect from 02.08.2024, in terms of the Memo filed by the appellant. It is made clear that the appointment of the petitioner/respondent shall be subject to the terms and conditions contained in the Memo filed by the appellant Bank and the communication of the competent authority dated 02.08.2024. The

petitioner/respondent shall furnish the undertaking as stipulated therein. It is needless to say that, upon such appointment with effect from 02.08.2024, the petitioner/respondent shall be entitled to the service benefits flowing from such appointment, in accordance with the terms agreed to by the parties and the applicable service rules and regulations. There shall be no order as to costs.

10. In view of the urgency expressed by both parties, a copy of this order shall be issued expeditiously.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE D.RAMESH

JUSTICE ALAPATI GIRIDHAR

Date: 03.08.2026

klk

THE HONOURABLE SRI JUSTICE D RAMESH
THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

161

W.A.No.147 of 2017

Dated: 03.08.2026

klk