

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1191 OF 2007

VINOD KUMAR VERMA & ORS.
Appellant(s)

Appell

VERSUS

UNION OF INDIA & ORS.
Respondent(s)

Respon

O R D E R

Heard learned counsel for the parties.

The appellants are aggrieved by the judgment of the High Court of Allahabad by which the challenge to the selection process for promotion from Officers, Scale I to Officers, Scale II was rejected.

According to the appellants, the entire selection process was vitiated because the respondent - Bank prescribed a minimum 55% of marks as cut-off after the tests. There is no grievance as regards the rest of the selection process. The respondent - Bank complied with the Rules and administered a written test and called all those candidates for interview who had obtained 40% marks in the written test as required by the Rules. The appellants were

also admittedly called for the interview. However,

later
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they were found not entitled for promotion because they had

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not obtained 55% marks.

In the writ petition, the High Court of Allahabad rejected the challenge on the ground that the respondents

were entitled to prescribe cut-off. Indeed, the High Court relied upon the judgment of this Court in B.V. Sivaiah and Others v. K. Addanki Babu and Others [(1998) 6 SCC 720], where this Court observed in paragraph 37 as follows:

"During the course of hearing of the appeal, the learned counsel for the respondent - Bank has placed before us the relevant documents relating to the impugned selection and promotion. On a perusal of the said documents, we find that 50 marks out of the total of 100 marks were prescribed as the minimum qualifying marks for interview and only those who had obtained the qualifying marks in interview were selected for promotion on the basis of seniority. It was, therefore, a case where a minimum standard was prescribed for assessing the merit of the candidates and those who fulfilled the said minimum standard were selected for promotion on the basis of seniority. In the circumstances, it cannot be said that the selection has not been made in accordance with the principle of "seniority-cum-merit". We are, therefore, unable to uphold the impugned judgment of the High Court. The appeal has to be allowed and the impugned judgment of the High Court dated 7-2-1997 passed by the learned Single Judge of the High Court has to be set aside and the promotion of the appellant on the post of Area/Senior Manager under order 8-4-1993 has to be affirmed."

We see no reason to interfere with the judgment of the High Court. Indeed, the respondents were entitled to prescribe cut-off percentage in view of the large number of the candidates available for promotion.

There is, thus, no merit in the present appeal which is, hereby, dismissed.

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We are informed by the learned counsel for the appellants that the appellants have been granted promotion in due course.

.....J.

[S.A. BOBDE]

.....J.

[R.K. AGRAWAL]

