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ITEM NO.33

COURT NO.2

SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).15745/2011

(From the judgement and order dated 10/01/2011 in LPA No.1297/2009 of The HIGH COURT OF PATNA)

BAJRANGI SINGH

Petitioner(s)

VERSUS

G.M., PUNJAB NATIONAL BANK & ORS.

Respondent(s)

(With prayer for interim relief)

Date: 18/10/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE C. NAGAPPAN

For Petitioner(s) Mr.Prabhash Kr.Yadav, Adv.
Ms.Pushpa Kumari Mishra, Adv.
Mr. Bankey Bihari Sharma, Adv.

For Respondent(s) Mr.Yashraj Singh Deora, Adv.
Mr.Rajesh Kumar, Adv.

UPON hearing counsel the Court made the following
O R D E R

This petition is directed against order dated 10.01.2011 of the Division Bench of the Patna High Court whereby the letters patent appeal preferred by the petitioner was dismissed and the order passed by the learned Single Judge negating his claim for appointment as a Sweeper against the vacancy earmarked for Other Backward Classes was upheld.

The petitioner's name was sponsored by the concerned Employment Exchange for appointment in the services of Punjab National Bank. He was interviewed on 28.11.2006 but was not given appointment. CWJC No.8430 of 2009 filed by the petitioner for appointment as Part Time Sweeper in Rohtas region from the reserved category was dismissed by the learned Single Judge of the Patna High Court vide order dated 23.7.2009, the relevant portion of which is extracted below:

"Learned counsel is unable to show that there was any reservation of OBC at all. Only document he can refer to is Annexure 2, which shows that, for two vacancies six names were called out of which one had to be of OBC. Employment Exchange sent four names of OBC category apart from others have been in that list petitioner was no.2.

In that view of the matter, I find no ground to interfere in this matter."

Letters Patent Appeal filed by the petitioner was disposed of by the Division Bench of the High Court on 10.1.2011 with an observation that mere sponsoring of name by the Employment Exchange would not clothe the petitioner with a right to be appointed. However, it was made clear that if and when future vacancies in the cadre of Sweeper arises, the petitioner's case will be considered along with others.

Learned counsel for the petitioner vehemently argued that even though the respondents were required to earmark at least one post for Other Backward Classes against which his client could have been appointed, the official respondents failed to reserve the post for that category and, in this manner, the petitioner's right to be appointed against the reserved

post has been defeated.

In our opinion, there is no merit in the argument of the learned counsel. In paragraph 3.11 of the counter affidavit filed before this Court, the respondents have made the following averments:

"That out of above 6 finally selected candidates, name of Shri Om Prakash Kharwar was sponsored by employment exchange, Dalmianagar vide letter dated 24.05.2006 and the remaining 5 candidates had been selected by giving them preference as they had worked as temporary employees having regard to the provisions contained in para 20.12 of the Bipartite Settlement dated 19.10.1966 referred to above. The details of period for which 05 candidates who were finally selected had worked on temporary basis over a period of time is as under:

No	Name of the candidate	Category	Place where worked on temporary basis	Total number of days	Employment Exchange registration number
1	Srikant Sharma, s/o Gopal Tiwari, Vill Dahiyari, PO: Sikariya, PS Karakat, Distt Rohtas	GEN	ITMAH	247 DAYS	G-647/2006
2	Alok Kumar s/o Haricharan Sah, Vill Barkagaon, PO: Mohandarwan, PS: Belaon, Distt Kaimur (Bhabhua)	OBC	THAKURHAT	697 DAYS	BC-95/2004
3	Amar Kumar Paswan s/o Yamuna Paswan, Village Sahar, PS: Sahar, Distt. Bhojpur	SC	Sahar	121 days	S/C-530/2005
4	Manoj Prasad, S/o Paramhans Prasad, Vill. Simri Khaira, Patti, PO: Simri, Distt Buxar	OBC	Balihar	725 days	BC-95/2004
5	Pawan Kumar s/o Rama Shankar Pandey Village Kharoj, PO+PS Surajpura, Distt Rohtas	GEN	SURAJPURA	237 days	G-510/2005

The petitioner has not been able to show as to how the selection/appointment made by the respondents, which included two members of Other Backward Classes, is vitiated due to violation of any rule, policy, settlement or the constitutional provisions. Therefore, we do not find any substance in his challenge to the order of the Division Bench.

The special leave petition is accordingly dismissed.

(Satish K. Yadav)
Court Master

(Phoolan Wati Arora)
Court Master