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**(2003) 11 PAT CK 0090**

**Patna High Court**

**Case No:** L.P.A. No. 736 of 1997

Rajesh Kumar Sinha

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

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**Date of Decision:** Nov. 17, 2003

**Citation:** (2004) 2 PLJR 117

**Hon'ble Judges:** Ravi S. Dhavan, C.J; Shashank Kr. Singh, J

**Bench:** Division Bench

**Advocate:** S.K. Mishra, Kunwar Nr. Jamuar, Umesh Pathak and Shalaindra Kr, for the Appellant; Ajay Kr. Sinha, for Bank and V.N. Sinha, for State, for the Respondent

**Final Decision:** Dismissed

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### **Judgement**

@JUDGMENTTAG-ORDER

1. This Letters Patent Appeal is directed against the order dated 15th May, 1997 in C.W.J.C. No. 1099 Rajesh Kumar Sinha v. The State of Bihar and Ors.

2. Before the matter is examined in appeal one matter needs to be understood. Clearly, any grievance of the Petitioner is in reference to a batch which was recruited simultaneously and appointed by the same appointment letter. All the candidates were on one even plain. As is logical, in due course of time the staff, in the present case the Bank, will move to higher positions. There has to be some criteria of selection standardised for making a selection to a higher position.

3. In the present case, the candidates appointed in the same batch on the same date had to face the first criteria that each of them must obtain 15 marks as a minimum to qualify for promotion. It implies that those who could not bring in 15 marks were to be left out as a process of selection.

4. Contention of the Petitioner before the learned Judge was, and this is best noted in the order itself, that counsel for the Petitioner now submitted that the principle of seniority cum merit is to be followed but promotion must be given on the basis of

seniority alone.

5. The fallacy in the argument lies on the aspect that there was no seniority between persons, who were standing on one even plain in the same batch having been appointed by the same appointment letter. The aspect that the candidates must obtain a minimum 15 marks for" further process of selection is a rule which was applicable to all of them as a class.

6. It is not the contention of the Petitioner that he had been discriminated or singled out so as to be eliminated from further selection process when he obtained 12 marks nor is any bias attributed to any management or the staff of-the bank.

7. We find no error in the order of learned Judge. The appeal is devoid of merit.

8. Dismissed.