

Banking Service Recruitment Board, Madras

Vs

V. Ramalingam and Others

Civil Appeal No. 4490 of 1989

(Sujata V. Manohar, D. P. Wadhwa JJ)

03.12.1997

ORDER

1. This appeal is filed by the Banking Service Recruitment Board, Madras. It pertains to the recruitments made, inter alia, to the post of Cooperative Officers in Indian Bank and Indian Overseas Bank pursuant to an advertisement issued in July 1979. The advertisement pertains to several posts. The relevant posts for the present purpose are ten posts of Cooperative Officers in Indian Overseas Bank. As per the advertisement, the candidates applying for all the posts, so advertised would be called for a written examination which would be both objective and descriptive. Candidates who were ranked sufficiently high on the basis of their marks in the written examination will be called for interview. The final selection will be on the basis of the aggregate marks obtained by the candidate in the preliminary examination and interview and will be strictly according to merit.
2. Accordingly on 9-12-1979, the written examination was conducted through an independent agency namely, the National Institute of Bank Management which was then in existence. Candidates were examined in four papers namely, (1) Test of Proficiency, (2) Test of English Language, (3) Test of Quantitative Aptitude, and (4) Test of Reasoning. For the examination in each paper, minimum cut-off marks were fixed. Those who obtained marks above the cut-off marks were put in a list of qualified candidates. Out of this list, those who had secured high ranks were called for an interview. The interviews were held thereafter and by July 1980 all the appointments were made.
3. The first respondent who had not qualified in the written test and who was not called for an interview thereafter filed a writ petition. He challenged the system of fixing of cut-off marks. The learned Single Judge of the High Court upheld this contention on the ground that for each paper, different cut-off marks were fixed. It was pointed out by the appellants before the learned Single Judge that the first respondent was not called for an interview since he had obtained marks below the cut-off level in one of the papers. The learned Single Judge, however, set aside the system of fixing cut-off marks as arbitrary or irregular.
4. In appeal, the Division Bench considered the appeals of the first respondent as well as various selected candidates who had filed appeals from the impugned judgment and also appeal of the present appellant together. The Division Bench did not pass any order in the appeal of the appellant. In the other appeals, the Division Bench said that the first respondent should be called for an interview and if found suitable, he should be appointed. The Division Bench, however, did not interfere with the selections already made since the persons selected had been working in that post for more than nine years.

5. The first respondent had not qualified in the written examination since he had obtained marks below the cut-off marks in the English paper. There was, therefore, no question of calling him for an interview. Even amongst those who had obtained marks above the cut-off marks, only those who were high in the order of merit were called for an interview. Therefore, the direction of the High Court calling upon the appellants to interview the first respondent must be set aside. The learned Single Judge held that the system of fixing cut-off marks was bad. This was because the Single Judge took a view that different cut-off marks were fixed for each of the four papers. But so long as the same cut-off marks in each subject are applied to the papers of all the candidates, there is nothing irregular about fixing different cut-off marks for each paper. The cut-off marks fixed will depend upon the examining body's view of the importance of the subject for the post in question. It may well fix higher cut-off marks for subjects which may have greater relevance than other subjects which may have relevance but not to the same extent. Basically, it is for the examining body to fix cut-off marks. The examination was conducted not by the appellants but by another independent body namely, the National Institute of Bank Management and cut-off marks were also fixed by it. From the list of the qualified candidates submitted by the National Institute of Bank Management, the appellants invited candidates ranking high in the merit list for interview and selection thereafter. The marks in the examination and the marks in the interview had been awarded by different independent bodies and the system which was adopted cannot be considered as unfair or arbitrary or even irregular. The High Court cannot substitute its own method of selection for the method which was adopted by the organisations entrusted with the task of selection.

6. We, therefore, set aside the impugned judgments of the learned Single Judge and the Division Bench and allow the appeal of the appellant-Board.