

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NOS. 1650-1651 OF 2021

BANK OF BARODA

... APPELLANT

VERSUS

SUSMITA SAHA

... RESPONDENT

O R D E R

1. The appellant made the respondent undergo one year Post Graduate Diploma in Banking and Finance (PGDBF) meant for students as eligibility for students seeking admission for the appointment as Probationary Officer on its successful completion. The basic eligibility criteria to undertake the said diploma course is a degree.
2. The respondent, a disabled candidate, applied for the aforesaid course under the disability quota on the basis of the degree obtained from the Eastern Institute for Integrated Learning in Management University, Sikkim. The appellant accepted the respondent's application, and

thereafter she completed the course, though belatedly.

3.The respondent was not given the posting as the Probationary Officer by the appellant as it was not completed within the time. The respondent approached the National Human Rights Commission, which directed the appellant to provide immediate placement.

4.The order dated 14.10.2017 passed by the National Human Rights Commission was sought to be set aside by the appellant by filing a writ petition being, Writ Petition No. 2114 of 2018, before the High Court of Delhi. The learned Single Judge dismissed the writ petition inter alia holding that the time limit was not informed to the respondent. Aggrieved over the decision of the learned Single Judge, dismissing the writ petition filed, an intra court appeal was filed in the Letters Patent Appeal No. 298 of 2019. The Division Bench of the Delhi High Court confirmed the order of the learned Single Judge.

5.Counsel for the appellant submitted that in order to give a quietus to the issue, a letter of offer

of appointment was indeed given to the respondent, but the verification found that she was not eligible as the degree obtained by her has not been recognized by the University Grants Commission. On that basis, a review was filed but erroneously dismissed. A further submission has been made that the material on record would indicate that the community certificate produced by the respondent that she belongs to the Scheduled Caste community appears to be not genuine, though even as her father, who worked with the appellant, produced a similar certificate.

6. Counsel for the respondent submitted that the basis for filing the writ petition is the order passed by the National Human Rights Commission. Thus, the other issues cannot be permitted to be agitated, especially when the respondent was made to complete the course and after obtaining a loan, which is required to be reimbursed.

7. We do not find any merits in these appeals. On the issue of completion within a stipulated time, the appellant has accepted the order of the High

Court. The writ petition was filed only challenging the order of the National Human Rights Commission. At that point in time, the objection was with respect to the aforesaid issue alone. Though we do not wish to say anything on the eligibility of the respondent on the basis of the degree obtained by her, the situation has been brought forth by the appellant. It is the appellant who permitted the respondent to undergo the diploma course which she did complete. Had the objection been raised at the earlier point of time with the permission being denied to undergo the diploma course, perhaps the respondent would not have anything to say. Similarly, the issue qua the community certificate cannot be agitated for the first time before us, more so when the appointment is sought to be made on the disability quota and not on the basis of the community. We have no difficulty accepting the counsel's contention for the appellant with respect to the degree not being recognized by the University Grants Commission forming part of the qualification as the law is quite settled, and it

is for the employer to fix the qualification. However, on the peculiar facts of the case, which we have discussed in the preceding paragraphs, we do not wish to interfere with the order passed by the High Court of Delhi upholding the directions of the National Human. Insofar as the reimbursement is concerned, it is expected to be done in terms of the rules governing.

8.The appeals thus stand dismissed with no costs.

..... J.
(SANJAY KISHAN KAUL)

..... J.
(M.M. SUNDRESH)

New Delhi
April 07, 2022

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal Nos.1650-1651/2021

BANK OF BARODA

Appellant(s)

VERSUS

SUSMITA SAHA

Respondent(s)

(IA No. 60107/2021 - EXEMPTION FROM FILING O.T.
IA No. 60105/2021 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 07-04-2022 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Appellant(s) Ms. Praveena Gautam, AOR
Mr. Pawan Shukla, Adv.
Mr. Raja Ram, Adv.
Mr. Aman S. Sharma, Adv.
Mr. Aman Rastogi, Adv.

For Respondent(s) Mr. Shashank Khurana, Adv.
Mr. Pramod B. Agarwala, AOR

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

The appeals stand dismissed in terms of the signed order.

Pending applications stand disposed of.

(RASHMI DHYANI)
COURT MASTER

(POONAM VAID)
COURT MASTER

(signed order is placed on the file)