



teachers. The Court permitted these candidates to apply to their previous employer to continue in service.

3. The Hon'ble Supreme Court directed that such applications must be processed by the employer within three weeks and the candidates will be allowed to resume their position without break in service and by maintaining their seniority and other entitlement. These candidates will also be eligible for increments. The Court clarified that the period for which they were employed with the disputed appointment, no wages will be paid to them. The Court also permitted creation of supernumerary posts for accommodating these candidates.

4. The application of the petitioners seeking re-appointment stood rejected by the State Bank of India with the observation that the bank is neither managed nor controlled by the State Government and does not fall within the observation of the Hon'ble Supreme Court made in paragraph 47 of the said judgment.

5. The petitioners are aggrieved by the same. It has been submitted that the Hon'ble Supreme Court clearly preserved the rights of these candidates to be reverted to their earlier place of posting.

6. It has been submitted that the Punjab National Bank accepted similar prayers for re-appointment and did actually reappoint the candidates who were found to be untainted.



7. Prayer has been made to direct the Bank to re-appoint the petitioners and allow them to function in the post in which they were previously working.
8. The aforesaid submission of the petitioners is opposed by the learned advocate representing the Bank. It has been submitted that the order of the Hon'ble Supreme Court clearly mentions about the right of the candidates to be reverted to the State Government or the autonomous bodies. Bank does not fall within the description as given by the Hon'ble Supreme Court in paragraph 47 of the judgment.
9. It has also been submitted that the State Bank of India is not required to rely upon the precedent of any other Bank.
10. The principle of *ejusdem generis* has been relied upon. The expression used by the Hon'ble Supreme Court in paragraph 47 of the judgment i.e., "State Government or Autonomous Bodies, etc." has been submitted not to include the Bank. Learned advocate for the Bank prays for dismissal of the writ petition.
11. Upon hearing the submission made on behalf of both the parties and on perusal of the judgment passed by the Hon'ble Supreme Court and particularly paragraph no. 47 which has been relied upon by the petitioners, it appears that the service of the employees under 1st SLST, 2016 conducted by the West Bengal Central School Commission stood nullified by the Court on the ground of corruption and illegalities at the time of conducting the recruitment process.



12. The Court noted that certain candidates were found to be included in the list of tainted candidates. For such tainted candidates, the Court clearly recorded that no relief can be provided to them and the entire selection process has been nullified. The Court made an exception only with regard to those candidates who do not fall within the category of tainted candidates but have previously worked with other employers.

13. The reasoning for such exception is that the candidates who left their earlier jobs and joined service being successful in the 1st SLST, 2016 could not have anticipated that the entire selection process including their appointment would be nullified by the Court in future. Such untainted candidates were no way responsible for losing their job. As cancellation of their appointment would have a direct bearing with their right to life and livelihood, the Hon'ble Supreme Court made the exception of permitting the untainted candidates to revert to their previous place of posting.

14. The Court clearly mentioned that the untainted candidates would have the right to apply to their previous departments or autonomous bodies to continue in service with those entities.

15. The Bank cannot be heard to contend that they will not fall within the expression of 'autonomous bodies' as mentioned by the Hon'ble Supreme Court in the said paragraph.

16. The intention of the Court was to give a further chance to the untainted candidates to continue with their previous job with their previous employer. The direction of the Hon'ble Supreme Court in paragraph 47 of the judgment



has a mandatory flavor and the previous employer does not have any opportunity and/or scope to disregard the same. The previous employer of the untainted candidates would be bound to act in terms of the direction given by the Hon'ble Supreme Court.

17. The employer is, however, required to verify and ascertain as to whether or not the name of the petitioners is appearing in the list of tainted candidates published by the West Bengal Central School Service Commission in its official portal. If the petitioners are not enlisted in the list of tainted candidates, then the Bank would be bound to provide reappointment to them.

18. The impugned communication of the Bank refusing to re-appoint the petitioners in their previous posting is plainly contrary to the direction passed by the Hon'ble Supreme Court. The impugned rejection cannot be permitted to stand and is liable to be set aside. The same is, accordingly, set aside.

19. The Bank is directed to re-appoint the petitioners in their previous position by maintaining their seniority and other entitlement including increments. There will be no service break in case of the petitioners. If the post where the petitioners were previously serving is not readily available, then supernumerary posts, in terms of the order passed by the Hon'ble Supreme Court, may be created for their re-appointment.

20. Steps shall be taken in the matter at the earliest but positively within a period of four weeks from the date of communication of this order.



21. Writ petition stands disposed of.
22. Urgent photostat certified copy of this judgment be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)