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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Decided on: 12.02.2025

+ W.P.(C) 8574/2009

ANAND RAV

.....Petitioner

Through: Mr. Aman Pathak, Advocate.

versus

STATE BANK OF INDIA

.....Respondent

Through: Mr. Rajiv Kapur, SC with Mr. Akshit Kapur, Ms. Riya Sood, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

PRATEEK JALAN, J. (ORAL)

1. By way of this petition under Article 226 of the Constitution, the petitioner assails a communication dated 01.07.2008, by which his services as a Customer Relationship Executive (Personal Banking) ["CRE"] in the respondent – State Bank of India ["the Bank"] were terminated, and an order dated 23.01.2009, by which his representation against the termination was rejected.

2. The respondent advertised for appointment of CREs on contract basis in February, 2007. The petitioner applied, and was issued an offer letter dated 22.10.2007. He joined the services of the Bank on 01.12.2007, and was posted in the Jakhan Branch, Dehradun.

3. In the impugned communication dated 01.07.2008, which according to the petitioner, was delivered to him on 11.07.2008, the Bank referred to a "Welcome Letter" delivered to him in September, 2007, in



which he was advised to complete the following certifications within a period of ninety days after he joined the Bank:

- a. Association of Mutual Funds of India [“AMFI”] Certification from AMFI; and
- b. Certified Insurance Facilitator [“CFI”] from Insurance Regulatory and Development Authority of India [“IRDAI”].

4. It was stated in the aforesaid communication, that the petitioner had not completed the said certifications within even ten months after joining the Bank, and the Bank was unable to utilise his services for the purposes for which he was recruited. His services were, therefore, terminated on completion of further thirty days, but he was advised that the Bank “*may reconsider its decision,*” if he successfully completed both the examinations during the said period of thirty days.

5. A copy of the welcome letter, which is undated, has been annexed to the counter affidavit dated 05.10.2009 filed by the Bank. Although the petitioner has denied receipt of the same, it may be noted that the letter mentions that the petitioner would be required to market mutual funds, insurance, pension funds, etc., in addition to conventional financial products. Four tests, including the two in question, were enumerated and he was given ninety days’ time to complete the two tests in question. It was further stated that the Bank would reimburse the costs and provide honorarium.

6. The petitioner completed the AMFI certification on 20.07.2008, within the aforesaid period of thirty days from the letter dated 01.07.2008. However, he was unable to complete the CIF certification within the aforesaid period. He has annexed to the writ petition, a



certificate showing that he completed the 25 hours of training required for IRDAI certification within the aforesaid period of thirty days, but cleared the requisite test only on 14.08.2008.

7. The petitioner represented against his termination, after completing both the certifications, on 27.08.2008.

8. As the aforesaid representation failed to elicit a response, he challenged his termination by way of W.P.(C) 8437/2008 before this Court. The petition was disposed of on 28.11.2008, with a direction upon the respondent to decide the petitioner's representation by a speaking order within four weeks.

9. The second impugned order, dated 23.01.2009, has been passed pursuant to the aforesaid directions, and rejects the petitioner's representation.

10. I have heard Mr. Aman Pathak, learned counsel for the petitioner, and Mr. Rajiv Kapur, learned Standing Counsel for the Bank.

11. The first argument taken in the writ petition is that the aforesaid two certifications were not part of the eligibility criteria stipulated in the advertisement or in the offer letter dated 22.10.2007, and could not have been imposed subsequently.

12. I am of the view that this argument is misconceived, as the petitioner was, in fact, appointed pursuant to the advertisement, upon fulfilling the eligibility criteria provided therein. His termination is not on account of ineligibility in terms of the qualifying criteria, but because he has failed to comply with the requirements of on-the-job training stipulated by the employer.

13. Turning now to the merits of the matter, the respondent has



contended in the counter affidavit filed on 05.10.2009, to which no rejoinder has been filed, that the role of CREs included selling of mutual funds, insurance products, etc., for which certification from AMFI and IRDAI were mandatory.

14. The requirement of the certification has not been assailed in the writ petition. In fact, the submission on behalf of the petitioner is that he completed required certifications by 20.07.2008 and 14.08.2008, respectively. Counted from the date of receipt of the letter dated 01.07.2008, he contends that the second certification was belated only by three days, and ought not to entail the penalty of termination.

15. In the counter affidavit filed by the respondent, however, the respondent has relied not just upon the Welcome Letter, receipt of which has been denied by the petitioner, but upon a foundation training course conducted by the Bank for all new CREs from 03.12.2007 to 15.12.2007. Other than issuance of the Welcome Letter, it is categorically stated that the requirement of certification was informed to all candidates at that stage itself. In fact, the AMFI certification course was conducted on 13.12.2007 and 14.12.2007 as part of the foundation training, but the petitioner was unsuccessful in clearing the examination.

16. The respondent has also annexed to the writ petition, a letter dated 06.05.2008 addressed to the Manager of the Branch (Jakhan, Dehradun) of the Bank by the Regional Manager, which is reproduced below alongwith the notations thereupon:



ANNEXURE: 132
R-4

FROM : SBI (JAKHAM) DDUN

FAX NO. : 01352734101

Dec. 24 2008 04:08PM P1



भारतीय स्टेट बैंक
क्षेत्र-1, उत्तराखण्ड क्षेत्रीय कार्यालय,
1, न्यू कैंट रोड, देहरादून
दूरभाष संख्या 01352716013,
2716016

STATE BANK OF INDIA
R-1, Uttarakhand Zonal Office,
1, New Cantt. Road, Dehradun
Phone : 01352716013, 2716016
Fax : 01352744856

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The Branch / Chief Manager
State Bank of India
Jakhm

Handwritten notes:
To, Adv to Mr. Anand
Kind attention
Ms. Nivedita

S.L. No.4/403

Date: 06.05.2008

Dear Sir,

CROSS - SELLING: AMFI / IRDA CERTIFICATION STATUS

We enclose herewith AMFI / IRDA certification status of CREs posted at your branch, as per our record, as on 27.03.2008. All the CREs have been given cross-selling targets to be achieved monthly, which is not possible without acquiring AMFI certification for sale of Mutual Fund products and IRDA certification for sale of SBI Life products. At the time of their employment, the CREs were expected to complete AMFI & IRDA certification within 3 months.

You are, therefore requested to advise in writing to CREs that they should complete AMFI and IRDA with in 15 days, failing which their variable pay and future prospects in the bank may be adversely affected.

Please also confirm and update the Mobile number, E-mail ID of the CREs posted at your branch.

S.no	Name	Mobile Number	Email-ID
1	Anand Ray	9985481925	anandras123@indiatimes.com

Please treat the matter as urgent

Yours faithfully,

Handwritten signature
For Regional Manager
Enclosures: As above

Handwritten notes:
Noted for compliance
Anand Ray
10/5/2008

Handwritten notes:
Please send copy
Please note the content of the letter and act accordingly
Handwritten signature
10/5

Handwritten note:
True copy



17. It may be seen from the above, that the Branch Manager was requested to advise the CREs that they should complete the two training courses within fifteen days, failing which their variable pay and future prospects in the Bank, may be adversely effected. The communication was marked by the Branch Manager to the petitioner, and bears his endorsement dated 10.05.2008: “*Noted for compliance*”.

18. The fact that the petitioner participated in induction training from 03.12.2007, that he took the AMFI certification test unsuccessfully on 15.12.2007, and that he was apprised of the aforesaid requirements by forwarding the communication dated 06.05.2008, are all entirely missing from the writ petition. The tenor of the writ petition is unequivocally that the requirement of these two certifications were first brought to the petitioner’s knowledge only by the letter dated 01.07.2008. In the representation dated 27.08.2008 also, the same contention has been expressly taken. It appears quite clearly, that the petitioner has failed to be candid with the Court.

19. Mr. Pathak drew my attention to another contention taken in the representation, to the effect that the petitioner was unable to take the IRDAI certification test in time, as he was not allotted an examination before 14.08.2008 by the office of SBI Life Insurance Ltd. in Dehradun. It may be noted that this contention also finds no place in the writ petition. The petitioner’s case cannot therefore be adjudicated on this basis.

20. The facts as stated in the counter affidavit, and not controverted by the petitioner, are thus that:

(a) The petitioner participated in the foundation training, which



included a session on selling of insurance and mutual fund products;

(b) The requirements of certification were impressed upon all CREs during the said foundation course;

(c) That he, in fact, appeared for the AMFI certification during the foundation course, but was unsuccessful; and

(d) That he was informed on 10.05.2008 itself to complete the certifications within fifteen days.

21. The petitioner's failure to advert to these facts in the writ petition, itself amounts to a suppression of material facts, and disentitles him to equitable relief under Article 226 of the Constitution. In any event, I am also of the view that sufficient opportunities were thus given to the petitioner for compliance with mandatory certification requirements, which would have enabled him to discharge the duties for which he was employed. The petitioner appears not to have taken these requirements with due seriousness, and I am unable to find any illegality or arbitrariness in the consequential actions taken by the Bank against him.

22. The writ petition is therefore dismissed, but with no order as to costs.

PRATEEK JALAN, J

FEBRUARY 12, 2025

"Bhupi"/SD/