



* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment Reserved on: 27.07.2026

Judgment Delivered on: 02.09.2026

CNR No. DLHC010326522026

+ LPA 563/2026

SHARWAN KUMAR VIGMAL

.....Appellant

Versus

THE GENERAL MANAGER NW-I, APPOINTING
AUTHORITY, STATE BANK OF INDIA

.....Respondent

Advocates who appeared in this case

For the Appellant : Mr. Sharwan Kumar Vigmal,
Appellant-in-person.

For the Respondent : None.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

JUDGMENT

TEJAS KARIA, J

1. The present *intra court* Appeal has been filed by the Appellant assailing the order dated 02.04.2026 (“**Impugned Order**”) passed by learned Single Judge in W.P.(C) 10648/2018 (“**Writ Petition**”), whereby the Writ Petition filed by the Appellant was dismissed.
2. The Appellant joined the services of the State Bank of India (“**Bank**”) on 28.03.1983 as a Clerk-cum-Typist at the Kirti Nagar Branch, New Delhi,



and rendered service with the Bank for over 35 years. In the year 2017, the Appellant was not promoted from Middle Management Grade Scale (“MMGS”)-II to MMGS-III and, being aggrieved thereby, instituted W.P.(C) No. 7578/2017 before this Court.

3. *Vide* Judgment dated 31.01.2018 passed in W.P.(C) No. 7578/2017, the said writ petition came to be disposed of in view of the undertaking given by the Bank in short counter affidavit to the said writ petition to consider the Appellant’s case in the promotional exercise to be held in the year 2018-19 for back-dated promotion to MMGS-III for the years 2016-17 and 2017-18, subject to his fulfilment of the eligibility criteria under the applicable promotion policy. The said policy required the Appellant to undergo a written examination, followed by an interview. It was further held in the said judgement dated 31.01.2018 that there was no valid reason to waive the written test component and rejected the Appellant’s request for such waiver. Accordingly, the writ petition was disposed of with a direction to the Bank to consider the Appellant for promotion from a back date, subject to his undertaking the written test and appearing in the interview.

4. Pursuant thereto, the Appellant participated in the promotion exercise conducted for the year 2018-19. On 15.05.2018, the Bank issued the final list of candidates promoted from MMGS-II to MMGS-III. The Appellant’s name, however, did not appear in the said final list. Aggrieved thereby, the Appellant filed the Writ Petition, *inter alia*, assailing the promotion list dated 15.05.2018, which came to be dismissed by way of the Impugned Order.

5. The Appellant, appearing in-person, submitted that the promotion list dated 15.05.2018 was unfair and discriminatory *qua* the Appellant,



inasmuch as the Bank sought to penalise him for having approached this Court by filing W.P.(C) No. 7578/2017. It was further submitted that the Bank acted in a *mala fide* manner in denying promotion to the Appellant, which, according to him, he deserved on account of more than 35 years of unblemished service rendered by him to the Bank.

6. The Appellant further submitted that, although no written test had been conducted for the promotion exercise of the year 2017-18, he was made to appear in the written test despite the Appellant being considered for back-dated promotion, thereby causing him undue prejudice.

7. The Appellant also submitted that Appendix-I to the additional affidavit filed by the Bank pursuant to the order dated 11.12.2019 passed in the Writ Petition did not disclose the marks secured by him for the year 2018-19 and, instead, disclosed only the marks secured by him for the years 2016-17 and 2017-18.

8. We have heard the Appellant appearing in-person and have perused the material placed on record.

9. The gravamen of the Appellant's contentions is that the promotion exercise conducted by the Bank for the year 2018-19 was vitiated by unfairness and prejudice against him. On this premise, the Appellant has alleged *mala fides* on the part of the Bank in the conduct of the said promotion exercise.

10. The issue that arises for consideration in the present Appeal is whether, on the basis of the material available on record, the Appellant has been able to demonstrate any legal infirmity in the aforesaid promotion exercise or establish *mala fides* on the part of the Bank in denying him the promotion.



11. In matters concerning promotion, the scope of judicial review is limited as the Courts do not sit in appeal over the assessment of suitability of a candidate for promotion and can only examine whether the process is vitiated by *mala fides*, arbitrariness, or material irregularity.

12. In this regard, learned Single Judge has rightly observed in the Impugned Order that a plea of *mala fides* is easy to make, but difficult to establish. The Appellant's case is principally founded on the assertion that he was penalised by the Bank for having earlier approached this Court by filing W.P.(C) No. 7578/2017. However, Courts cannot interfere with promotion exercises merely based on conjectures or surmises of a candidate who, having participated in the selection process, alleges *mala fides* only after being unsuccessful therein.

13. Allegations impugning the fairness or legality of a selection process must be supported by cogent and credible material. In the present case, the Appellant has failed to demonstrate any *mala fides* on the part of the Bank. His contention that he was penalised for having earlier approached this Court cannot be accepted in the absence of any material indicating *mala fides* in the conduct of the promotion exercise for the year 2018-19.

14. The Appellant has also contended that, although the written test component had not formed part of the promotion exercise for the year 2017-18, he was required to undertake the written test despite being considered for back-dated promotion. In this regard, it would be apposite to refer to the Judgment dated 31.01.2018 passed in W.P.(C) No. 7578/2017, the relevant portion whereof is extracted hereinbelow for ready reference:

“7. Upon hearing and on perusal of material on record and the decisions cited, I find that right of an eligible employee to be considered for promotion cannot be negated. However, petitioner



cannot claim promotion from MMGS-II to MMGS-III in the year 2017-18 as a matter of right because he had not undergone the mandatory rural posting of two years and so, his name was not put in the zone of consideration. According to petitioner's counsel, some employees who had not undergone rural posting, have been granted promotion but that too, after they have completed the rural posting.

8. *It is a settled legal position that entitlement to promotion is always subject to fulfillment of eligibility criteria. In Major General H.M. Singh (Supra), Supreme Court had directed that promotion be granted because the appointing authority had rejected the recommendation of Selection Board for promotion, without disagreeing with the findings of the selection board. In the counter affidavit filed by respondent-Bank, it has been undertaken to consider petitioner's case for promotion from back date provided he fulfills the eligibility criteria. The eligibility criteria for promotion as per promotion policy (Annexure P-4) requires petitioner to undergo objective type written examination, followed by interview. Petitioner seeks waiver of written test which is purportedly slated for 4th February, 2018 because it stood waived last year. Respondent-Bank has clarified that the written test was waived last year due to merger of five associate banks. There was a valid reason for waiving the written test last year, but there is no justification to now waive the written test for the promotions to be made this year.*

9. *In view of aforesaid, this petition is disposed of with direction to respondent-Bank to consider petitioner for promotion from back date, provided he undertakes the written test and appears in the interview."*

15. Upon a perusal of the above-extracted portion of the Judgement dated 31.01.2018 passed in W.P.(C) No. 7578/2017 earlier filed by the Appellant, which was never challenged by him, it is evident that this Court had expressly examined the request for waiver for the written test and held that there was no valid justification existed for waiving the written test component for the promotion exercise to be conducted in the year 2018-19 for the Appellant.



16. Accordingly, the Bank was directed to consider the Appellant for promotion from a back date, subject to the Appellant clearing the written test and appearing in the interview. The written test undertaken by the Appellant was, therefore, conducted in compliance with the aforesaid judgment and having participated in the written test and interview pursuant thereto, the Appellant cannot be permitted to assail the said process merely because he was unsuccessful in securing promotion.

17. The Appellant has further contended that Appendix-I to the additional affidavit filed by the Bank pursuant to the order dated 11.12.2019 passed in the Writ Petition did not disclose the marks secured by him for the year 2018-19 and, instead, disclosed only the marks secured by him for the years 2016-17 and 2017-18. However, in the reply filed by the Bank to the Writ Petition, it was clarified that the final merit list was prepared based on three components, namely, appraisal, written test and interview, carrying weightages of 40%, 50% and 10%, respectively. Consequently, the marks secured by the Appellant in the written test and interview, being 24 and 9 respectively, which were conducted during the promotion exercise of the year 2018-19, were taken into consideration for assessing the Appellant for promotion from a back date, in terms of the directions contained in the Judgment dated 31.01.2018 passed by this Court in W.P.(C) No. 7578/2017 and as regards the appraisal component, the same was considered for the year 2016-17 and 2017-18, wherein the Appellant secured 38.4 and 39 marks, respectively, were considered. This was necessitated by the fact that the Appellant was being considered for back-dated promotion for those years, notwithstanding that the promotion exercise itself was conducted in the year 2018-19.



18. In these circumstances, the Appellant's contention that his marks for the year 2018-19 were not disclosed cannot be accepted as a ground to assail the promotion process conducted in 2018-19 on the allegations of *mala fides* or material irregularity by the Bank.

19. In view of the aforesaid discussion, we are of the considered opinion that the Appellant has been unable to establish any infirmity in the promotion exercise conducted in the year 2018-19, wherein the candidature of the Appellant for back-dated promotion for the years 2016-17 and 2017-18 was duly considered in compliance with directions contained in Judgement dated 31.01.2018 passed in W.P.(C) No. 7578/2017 passed by this Court.

20. In view thereof, we find no ground to interfere with the Impugned Order dated 02.04.2026 passed by learned Single Judge. The present Appeal is, accordingly, dismissed. There shall be no order as to costs.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

SEPTEMBER 2, 2026

St/ap