2026:AHC:176894-DB

Judgment reserved on- 30.07.2026
Judgment delivered on- 21.08.2026

A.F.R.

HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL No. - 9 of 2025

The State Bank of India and 5 others

.....Appellant(s)

Versus

Priyanshu Arya and 39 others

.....Respondent(s)

Counsel for Appellant(s)	:	Sri Shashi Nandan Sr. Adv., Ms. Shruti Malviya
Counsel for Respondent(s)	:	Sri Ashok Khare Sr. Adv., Mr. Pankaj Dubey

Court No. - 39

HON'BLE SAUMITRA DAYAL SINGH, J.
HON'BLE SWARUPAMA CHATURVEDI, J.

1. Heard Sri Shashi Nandan, learned Senior Advocate assisted by Ms. Shruti Malviya, learned counsel for the respondents/appellants-Bank and Sri Ashok Khare, learned Senior Advocate assisted by Sri Pankaj Dubey, learned counsel for the original petitioners-respondents.

2. Present intra-Court appeal has arisen against the order of a learned single judge, dated 14.11.2024, in **Priyanshu Arya & Ors. Vs. The State Bank of India & 5 Ors.; 2024:AHC:189256**. By that order, the learned single judge has allowed the writ petition and held that the "Training and Confirmation Policy of Probationary Officers and Trainee Officers dated 16.12.2020 (hereinafter referred to as the 'Impugned Policy') is arbitrary,

discretionary and void to the extent it has been made applicable to Probationary Officers/Trainee Officers, 2019 batch. A positive direction has been issued to the appellant-Bank to place such Trainee Officers (original petitioners), of 2019 batch, in MMGS-II, commensurate to the score achieved by them, upon completion of training, as contemplated under the pre-existing Probationary Officers & Trainee Officers Training and Confirmation Policy dated 23.04.2019 (hereinafter referred to as the Old Policy), with all notional benefits.

3. Briefly, the original petitioners/respondents were appointed Assistant, by the appellant-Bank. Later, under the State Bank of India Officers' Service Rules, 1992 (hereinafter referred to as the Rules), and the Old Policy, the original petitioners were appointed Trainee Officers, 2019 batch, through promotion, against success at all India examination. One such appointment letter dated 07.06.2019 is annexed to the appeal. Simultaneously, direct recruitment were made to the post Probationary Officer, 2019 batch. In material parts, the appointment letter paragraph nos. 1, 2(a) and 5 of appointment letter issued to one of the original petitioner/respondent (Trainee Officer) reads as below:

"Ref. No. 11/10/DI/110
Date 07-06-2019

NAME-PRIYANSHU ARYA

PF Index No. 6785182

State Bank of India

Mehroqi, Branch.

Dear Sir/Madam,

APPOINTMENT AS TRAINEE OFFICER-2019 WITH EFFECT FROM 29-04-2019.

We have pleasure in informing that you have been selected for appointment as Trainee officer w.e.f. 29-04-2019 in the Bank and your service in the Bank will be governed by the State Bank of India Officers Service Rules 1992 provided you are medically fit and not debarred in terms of Award Staff Debarment Policy.

2. You will remain on probation for a period of 2 (two) years form the effective date of promotion i.e. 29-04-2019 and your confirmation in the Bank shall be subject to:

a) Satisfactory completion of the in-service training during probation.

5. Your confirmation after training will be done in terms of extant policy for confirmation of Trainee Officers as Me../MMGS-II."

(emphasis supplied)

4. At that time, the training and confirmation of Trainee Officers & Probationary Officers, was governed under the Rules read with the Old Policy. Paragraph nos. 1, 3, 5G (i)(ii) and (iii) of the Old Policy read as below:

"1. Training policy for Probationary Officers and Trainee Officers has been revised effective 2017 batch for ensuring holistic grooming and objective evaluation. The process of continuous training and assessment has been introduced effective 2017 batch of Probationary Officers and Trainee Officers, substituting single confirmation test conducted at the end of two-year training period.

3. For the purpose of 2-year training, Probationary Officers and Trainee Officers will be under the control of STU while for administrative purposes viz. posting (within policies specified for posting during probation), transfer, leave, sanction of EOL, disciplinary matters and extension of probation/ training period, they will remain under control of respective Circles allotted to them at the time of joining

5. The details of revised Training and Confirmation Policy of Probationary Officers and Trainee Officers are tabulated below :

A	**…**
B	**...**
C	…
D	…
E	…
F	…
G	***Confirmation as Officers***
i.	*Probationary Officers/Trainee officers will be confirmed based on the overall score under continuous assessment. <u>POs/TOs scoring minimum 50% marks (45% in case of SC/ST, PwD) under overall assessment shall be confirmed in JMGS-I.</u>*
ii.	*<u>POs/TOs scoring 75% **(70% for SC/ST candidates)** and above in overall assessment shall be considered for placement in MMGS-II.</u>*
iii.	*However, for confirmation in Scale-II passing of Credit and*

	Branch Manager certification shall be mandatory (pre-requisite).

(emphasis supplied)

5. While the original petitioners-respondents were still on probation and undergoing training, on 02.12.2020, a Note came to be issued by the Deputy General Manager-HR of the Bank to the Central Human Resources Committee (hereinafter referred to as the CHRC), proposing to revise the Old Policy. Considering the policy stipulations in the Old Policy, as also the feedback as to lack of rigor and assessment, revised parameters were proposed to CHRC. After considering past experience involving 2017 and 2018 batch of Trainee/Probationary Officers, the pre-existing policy was proposed to be reviewed for 2019 batch, to reduce the percentage of Trainee Officers/Probationary Officers in MMGS-II, to a maximum of 10% of the batch strength, against the pre-existing policy stipulation to allow all Trainee Officers to be placed in MMGS-II, subject to their achieving 75% (70% in case of SC/ST candidates) or more marks, at training.

6. Relevant to the above, the said proposal reads as below:

> *"To address general feedback about lack of rigor in assessment, parameters were modified effective Probationary Officers and Trainee Officers of 2020 batches. Under the modified parameter, assessments carrying 200 marks done in un-proctored, non-monitored environment have been removed and marks for Assessment tests have been increased. Passing of Assessment Tests with 70% marks have been made a prerequisite, as against previous policy, <u>where an officer can be placed in MMGS-II even while failing in an assessment test. To increase rigor and to ensure that only best performing officers confirmed in MMGS-II, a cap of 20% was applied starting Trainee Officers 2020 batch</u>.*
>
> *<u>However, other than lack of rigor, material feedback has been on lack of experience and maturity in majority of officers placed in MMGS-II on confirmation. These officers are placed in MMGS-II without handling positions of responsibility in branches and are unable to cope with responsibilities attached to middle management positions requiring experience and maturity, resulting in stress and development of long-term negativity in them</u>. In a recent deliberation with CVC on training of newly recruited officers in PSBs, the crux of discussion was that officers should not be given responsible positions without sufficient grooming. <u>In subsequent deliberations, a strong view emerged to do away with confirmation in MMGS-II altogether, or, to retain a rigorous element of competitiveness, put an even stricter cap to start with, effective existing batches, so that only the very best are placed in MMGS-II on confirmation</u>.*

The matter was accordingly referred to Law Department, on modification in policy with retrospective effect 8for batches yet to be confirmed; which, while quoting relevant provisions of law, opined that "In view of the above position of Law we are of the view that the 2017 Policy can be reviewed for PO/TO of 2019 batch whose confirmation shall take place in 2021 so as to limit the percentage of confirmation to MMGS-II upto 20% of the candidates securing the required score" (Copy of Law Department Memo No. LAW/SM/6:29 dated 07th November 2020 placed alongside).

We are of the opinion that with doing away with placement in MMGS-II altogether, Probationary Officers and Trainee Officers will primarily be targeting to secure 80% scores and shall not be left with competitive challenges to strive and score over others. Even extremely deserving candidates shall also be placed in the same basket and shall not have any edge over others. With above in view, we are of the opinion that a cap of 10% may be considered, instead of doing away with provision altogether. Going by the crux of opinion of Law Department, there should not be any difficulty in implementing the same.

However, on a similar reference made to Law Department with respect to 2017 batch of Probationary Officers. the Department, vide their memo No. LAW/SM/2919 dated 01.10.2019 opined that:

> *i) The Policy for assessment for confirmation/ confirmation in promotional post like MMGS-II cannot be changed to detriment of the candidates during the course of the assessment exercise as the same would amount to breach of declared policy adopted in the case of candidates who have already achieved the benchmark for avalling the privilege of being confirmed directly as MMGS-II.*
>
> *ii) The assessment policy cannot change in respect of candidates whose assessment exercise is concluded and results are yet to be announced.*
>
> *iii) With respect to candidates, whose assessment have not yet concluded, the policy can be altered by Introduction of additional layer assessment by Indicating that such change will be operative from a particular year of confirmation which will follow the year for which the assessment exercise is underway."*

Trainee Officers of 2019 batch is due for confirmation on 16.06.2021. Cut-off date for completion of all the Assessments for the batch is 17.03.2021 and accordingly, the batch is nearing completion of assessments."

(emphasis supplied)

7. The above report was acted upon by the Bank CHRC, resulting in issuance of E-circular No. 1129/2020-21 dated 16.12.2020 containing the Impugned Policy. It reads as below:

'The Chief General Manager,
State Bank of India,
All LHOS & Business Units

Madam/ Dear Sir,

TRAINING AND CONTINUOUS ASSESSMENT POLICY FOR PROBATIONARY. OFFICERS AND TRAINEE OFFICERS

POLICY FOR PLACEMENT IN MMGS-II ON CONFIRMATION

As per training and continuous assessment policy for Probationary Officers and Trainee Officers, circulated vide Circular No. CDO/STU-TRAINING/3/2019-20 dated 23.04.2019, Officers securing 50% marks in aggregate (45% for SC, ST & PwD) over two years' assessment are confirmed In. JMGSI, while officers securing minimum 75% In aggregate (70% for SC/ST candidates) are considered for placement in MMGS-II.

The policy has been reviewed and it has been decided, to cap the number of officers placed in MMGS-II to maximum of 10% of the battch size. The provision, to start with, will be applicable to Probationary Officers and Trainee Officers of 2019 batches. Accordingly, notwithstanding any other provision in existing policy, top 10% of Probationary Officers and Trainee Officers scoring highest marks under evaluation parameters shall be considered for placement in MMGS-II, subject to their fulfilling all other necessary criteria.

Other aspects of implementation of the provision are as under:

I. Placement of top 10% of the batches in MMGS-II shall be considered on all-India basis and not Circle-wise.

II. Probationary Officers 2019 joined the Bank in two batches. Criteria of 10% shall be applicable separately for Batch-II, subject to candidates scoring applied for Batch-1, for placement in MMGS-II.

III. Candidates on extended probation on account of Maternity Leave etc. shall be considered for placement in MMGS-II on scoring marks equal to or higher than cut-off applied for their regular respective batches.

IV. Feedback shall be obtained from Circles on general suitability and conduct of the officers eligible to be considered for placement in MMGS-II, so that placement is not based purely on academic performance.

V. Notwithstanding their falling in top 10% bracket on assessment parameters, officers with any adverse report on suitability may not be placed in MMGS-II.

Policy for Probationary Officers and Trainee Officers 2020 batch onwards shall be advised separately.

All other provisions of existing training and continuous assessinent policy shall continue as hitherto.

Please bring the contents of this Circular to the notice of all concerned and arrange accordingly.

Yours faithfully,

(Rana Ashutosh Kumar Singh)

Dy. Managing Director (HR) &

Corporate Development Officer."

(emphasis supplied)

8. In such facts, challenge arose in the writ petition, at the instance of the Trainee Officers of 2018 batch only. They claim a right to be confirmed in MMGS-II for reason of having achieved 75% (70% in case of SC/ST

candidates), or more marks at training. That challenge has been upheld. The stipulation in the Impugned Policy restricting confirmation in MMGS-II, to 10% of the batch size, subject to such candidates having achieved minimum prescribed marks at the training, has been declared invalid. Hence, this appeal.

9. Sri Shashi Nandan, learned Sr. Counsel for the appellant/respondent Bank stated that - the Old Policy stipulations are not the statutory law. No right to confirmation in MMGS-II has accrued to any of the original petitioners/respondents, either in terms of their Appointment Letter (as Trainee Officer-2019), under the Old Policy dated 23.04.2019. That right to confirmation would accrue to them upon successful completion of training. To the extent, the Impugned Policy was introduced on 02.12.2020, well before the scheduled completion of their training-on 17.03.2021, the right to placement/fitment in JMGS-I or MMGS II, would be governed under the Old Policy as amended by the Impugned Policy, would apply.

10. Second, referring to Clause 5 of the Appointment Letter, it has been submitted, it contemplated confirmation after training, in terms of the 'extant policy for confirmation of Trainee Officer'. Even under the Old Policy dated 23.04.2019, by virtue of Clause 5G(i) read with (ii), it was clearly stipulated that all Probationary Officers/Trainee Officers who score minimum 50% marks (45% in case of SC/ST, PwD candidates) shall be confirmed in JMGS-I. Simultaneously, the Old Policy further contemplated that such Probationary Officers/Trainee Officers who may score minimum 75 marks (70% in case of SC/ST candidates), shall be considered for placement in MMGS-II. Thus, the Old Policy itself contemplated two distinct contingent rights. One, *qua* all Probationary Officers/Trainee Officers who may score minimum 50% marks (45% in case of SC/ST, PwD candidates) and another *qua* such of those officers, who may score minimum 75 marks (70% in case of SC/ST candidates).

11. The rights that may accrue to Probationary Officers/Trainee Officers were different and distinct, as they would vest in two different circumstances and on two distinct sets of persons (based on merit marks). The Probationary Officers/Trainee Officers who would obtain minimum 50% marks (45% in case of SC/ST, PwD candidates), would earn an absolute right to confirmation in JMGS-I. That right would accrue solely on the strength of minimum 50% marks (45% in case of SC/ST, PwD candidates) being achieved by such Probationary Officers/Trainee Officers. However, the other contingent right that may arise on such Probationary Officers/Trainee Officers upon their scoring minimum 75% marks (70% in case of SC/ST candidates). Yet, they would only earn a right to be considered for placement in MMGS-II. However, that placement (in MMGS II), would not be automatic solely on the strength of minimum/threshold marks attained at the training.

12. Emphasizing the difference in the nature of those contingent rights, it has been submitted, any Probationary Officer/Trainee Officer who may have joined training during the currency of the Old Policy dated 23.04.2019, may claim a right to be confirmed in JMGS-I cadre, solely upon scoring minimum 50% marks (45% in case of SC/ST, PwD candidates). At the same time, such a candidate, even if he achieved minimum 75% marks (70% in case of SC/ST candidates) may only earn a right to be "considered for placement" in MMGS-II.

13. Since no right had vested in any of the Probationary/Trainee Officer to be confirmed or placed in MMGS-II, on the strength of minimum 75% marks (70% in case of SC/ST candidates), it always remained open to the Bank to define an objective criteria to deal with Probationary/Trainee Officers, to be placed/fitted in MMGS-II.

14. Then, referring to the Impugned Policy, through experience gained, upon confirmation of similarly situated Probationary Officers/Trainee Officers of all earlier batches, the placement of larger number of Probationary Officers/Trainee Officers, in MMGS-II, was found

detrimental to the business interests of the Bank, as many of those officers lacked experience and maturity, in handling positions of responsibility at the branches, leading to difficulties in coping with the responsibilities attached to middle management positions, that require experience and maturity. The Bank was further of the view that such circumstances resulted in stress and development of long-term negativity in the officers. Therefore, need for their grooming, gaining work experience, and retaining rigorous element of competitiveness, were found necessary. Taking a balanced view, the Bank has capped the upper limit of Probationary/Trainee Officers who may be placed in MMGS-II, at 10% of one training batch, against two other proposals to cap it at 20% and yet another to do away (in entirety), with the provision to place such Probationary Officers/Trainee Officers in MMGS-II, immediately upon their confirmation. To the extent, it was open to the Bank to alter or amend or to revise its policy and further to the extent, there is no pre-existing vested right in Probationary Officers/Trainee Officers, to be placed in MMGS-II, there was no legal lacuna or illegality in the Impugned Policy.

15. Then, heavy reliance has been placed on Rules 15, 16 and 17 falling under Chapter IV of the State Bank of India Officers' Service Rules, 1992. (hereinafter referred to as the service rules). For ready reference, those Rules read as below:

> ***"Probation***
>
> *15. (1) A person appointed as a Probationary Officer shall be on probation period of maximum two years (excluding extension, if any, granted by the competent authority), while a Trainee Officer shall be on a probation period of one year (excluding extension, if any. Granted by the competent authority).*
>
> *15. (2) Any other employee promoted as an officer to the Junior Management Grade shall be on probation for a period of one year.*
>
> *15. (3) Any other person appointed to any grade including the Junior Management Grade shall be on probation for such period as may be decided by the competent authority.*

Provided that the competent authority may, in the case of any officer, reduce or dispense with the period of probation under this rule.

Confirmation

16.(1) An officer referred to in rule 15 shall be confirmed in the service of the Bank, if in the opinion of the competent authority, the officer has satisfactorily completed the training in any institution to which the officer may have been deputed for training, and the in-service training in the Bank.

Provided, that Bank may at its discretion subject to the merit and suitability of a Probationary Officer/Trainee Officer for future leadership role, being determined through a screening process to be prescribed by the Central Human Resources Committee may confirm and give placement (fitment) to such officers in MMGS II.

Provided that an officer directly recruited in any grade may be required also to pass a test in a language other than his mother tongue or a professional course.

16. (2) If, in the opinion of the competent authority, an officer has not satisfactorily completed either or both the trainings referred to in sub-rule (1) or if the officer has not passed the test referred to therein or an officer's service is not satisfactory, the officer's probation may be extended by a further period not exceeding one year.

16. (3) Where during the period of probation, including the period of extension, if any, the competent authority is of the opinion that the officer is not fit for confirmation: -

(a) In the case of a direct appointee, his services may be terminated by one month's notice or payment of one month's emoluments in lieu thereof, and

(b) in the case of a promotee from the Bank's service, he may be reverted to the grade or cadre from which he was promoted.

Promotion

17. (1) Promotions to all grades of officers in the Bank shall be made in accordance with the policy laid down by the Central Board or the Executive Committee from time to time.

17. (2) Permanent vacancies in officers grades/scales shall be filled by promotions or otherwise, but the Appointing Authority reserves the right not to fill all or any such vacancy.

17. (3) No permanent vacancy in any grade/scale of officers shall be deemed to have occurred unless in accordance with the guidelines laid down by the Executive Committee in this regard.

Explanation: For the avoidance of doubts, it is clarified that the provisions of this rule shall also apply to promotions of any category of employees to the Junior Management Grade."

(emphasis supplied)

16. To the extent, the first proviso to Rule 16(1) of the Rules vests discretion with the Bank-to give placement in MMGS-II to only such Probationary/Trainee Officers, who may have achieved desired merit at training and may be suitable for future leadership role, no right ever got vested in any of the Trainee/Probationary Officer to the placed in MMGS-II, solely on the strength of 75% marks (70% in case of SC/ST candidates), during training. To that extent, action under the Old Policy would dictated by the mandate of that Rule. Consequently, the objective consideration of 10% contained in the Impugned Policy cannot be assailed. That prescription has arisen on the strength of past experience, to promote/retain competitiveness. It is wholly informed with reason.

17. Also, every batch of Probationary/Trainee Officers has its own identity arising from separate selection procedure. No discrimination may be claimed by referring to similarly situated Probationary/Trainee Officers of 2018 batch. It is undisputed that Trainee Officers of that batch had completed their training and assessment, before introduction of the Impugned Policy, whereas the original petitioners/respondents were due for confirmation on 16.06.2021, almost three months after enforcement of the Impugned Policy and the cut-off of their assessment was 17.03.2021. To that extent, all the original petitioners/respondents who may have obtained minimum 50% marks (45% in case of SC/ST, PwD candidates), have been confirmed in service, and placed in JMGS-I. Therefore, there is neither any hostile discrimination nor there is any arbitrary action taken by the Bank, under the Impugned Policy.

18. The learned single judge has erred in reasoning, on that count. Inherently, the Probationary/Trainee Officers of 2018 batch remain incomparable to the Probationary/Trainee Officers of 2019 batch, as both batches were selected through separate selection process and they did not undergo training either as one batch or together. On the contrary, they were selected under separate selection processes. While the training of the Trainee Officers of 2018 batch got over in May 2020, the training

of Probationary Officers of 2018 batch and that of the Trainee Officers of 2019 batch was to continue up to 17.03.2021. They would become due for confirmation on 16.06.2021.

19. To the extent, the Old Policy and the Impugned Policy remain subservient to the Rules, in absence of any prescription in the Rules-to support the claim made by the original petitioners/respondents, no palpable or discernible or recognizable arbitrariness or other illegality exists. The reasoning of the learned single judge is clearly erroneous.

20. The decision of the Supreme Court in **Tej Prakash Pathak and others vs. Rajasthan High Court and others, (2024) SCC OnLine 3184,** is described to be of no application, inasmuch as the recruitment process may remain confined to the procedure adopted from the date of issuance of the advertisement to the date of the declaration of the result. It cannot be extended beyond the selection and it would remain inapplicable to probation. In any case, it would not have any application, to placement in any particular scale, after confirmation. Reliance placed by the learned single judge on the said decision is thus wholly misplaced. In **Tej Prakash Pathak (supra)**, the entire process of selection got over whereafter, the rules of the game were changed, to prescribe a pass percentage for the Interview Test. That was found to be impermissible as the eligibility criteria had been changed.

21. Here, neither the selection has been altered nor the right of the probationer to be confirmed in JMGS-I [against minimum 50% marks (45% in case of SC/ST, PwD candidates)], awarded during training, has been altered. In absence of any finding by the learned single judge, to negate the fundamental requirement of the first proviso of Rule 16 of the Rules i.e. exercise of discretion to grant MMGS-II subject to merit and suitability for future leadership role, the Bank had full authority to make that assessment on the basis of higher in merit (upon 10% of batch size), and there is no error in making that assessment. To the extent, the

Impugned Policy regulates exercise of that discretion, it does not involve change of rules of the game.

22. Elaborating that submission, it has been further stressed, if at all, the reasoning offered by the learned single judge (re-arbitrary action), is accepted, it would have been applicable in this case, had the Probationary Officers of the 2018 batch been declined the benefit of Old Policy for reason of their completing the training subsequent to the introduction of the Impugned Policy. In that batch, the Trainee Officers had completed their training in May 2020 well before the introduction of the Impugned Policy on (16.12.2020). If the Impugned Policy were to be applied to the Trainee Officers, it could have been said that the Bank had acted arbitrarily as the Impugned policy came after the assessment had been made.

23. On the other hand, if the Impugned Policy were applied to the Probationary Officers of the 2018 batch though their assessment was made subsequent to the introduction of the Impugned Policy, that action may have suffered the vice of arbitrariness as half the batch (Trainee Officers) would have been governed by the Old Policy whereas the other half (Probationary Officers) would have been governed by the Impugned Policy, with respect to the same matter-of placement in MMGS-II. Therefore, the CHRC resolved to apply the Impugned Policy from 2019 batch onwards since the training of the Trainee Officers and the Probationary Officers of that batch was continuing, to the extent their assessment were pending. Therefore, clear distinction of facts exists between the Trainee/Probationary Officers of 2018 batch, taken together, on one hand and Trainee/Probationary Officers of 2019 batch, taken together, on the other.

24. Here, it has also been emphasized that the Probationary Officers of the 2019 batch have not challenged the Impugned Policy. Seen in that light, the decision of the Supreme Court in **Tej Prakash Pathak (supra)** is described to be distinguishable.

25. Relying on **Divisional Personnel Officer, Southern Railway vs T.R. Chellapan, (1976) 3 SCC 190**, it has been submitted, recognition granted to higher merit to restrict the total number of Probationary/Trainee Officers placed in MMGS-II, is wholly permissible. To that extent, it cannot be successfully contended that the rules of game were changed mid-way, to cause prejudice to the original petitioners/respondents.

26. On the other hand, Sri Ashok Khare learned Senior Counsel for the original petitioners/respondents, would contend- there are two streams of recruitment. One of Trainee Officers who earlier worked as Assistant, and another Probationary Officers i.e. direct recruits. Upon selection, candidates from both streams undergo probation. Referring to the Old Policy, it has been shown, the process of evaluation during probation is a continuing process of total 1,000 marks, broken into 12 parts, or stages. At the stage of the selection of the original petitioners/respondents, the Old Policy was in existence. Therefore, that is the only law applicable to the present facts. All of the original petitioners/respondents achieved more than 75% marks (70% in case of SC/ST candidates), at the training, under probation. Yet, they have placed in JMGS-I and not MMGS-II, to which they are entitled, by virtue of the clear stipulation off the Old Policy.

27. In such facts, it has been stressed, though **Tej Prakash Pathak (supra)** is a case of direct recruitment yet that principle cannot be limited to cases of direct recruitment only. The underlying principle and ratio of **Tej Prakash Pathak (supra)** is derived on the own strength of Article 14 of the Constitution of India. To that extent, it would apply to all transactions falling between the start and the end point of any selection. Since, selection was made under the Old Policy, it alone would govern the rights of the original petitioners/respondents. The Impugned Policy seeks to take away the right of the original petitioners/appellants-to be placed in MMGS-II upon securing minimum marks (during training), as prescribed under the Old Policy. Clearly, the principle-rules of game cannot be changed midway, applies with full force. Doubt, if any, stands

resolved by use of the words - “extant policy”, in the appointment letter dated 07.06.2019. To the extent, on 07.06.2019, the Old Policy was the only policy enforced by the Bank, to govern the rights of the Trainee Officers to be confirmed in service and to be placed in MMGS-II, the Bank could not have made the Impugned Policy applicable to the original petitioner/respondents. Thus, further reliance has been placed on division bench decision of the Madhya Pradesh High Court in **Minakshi Singh Vs. State of M.P. & Ors., 2014 (1) MPLJ 373**.

28. Second, ground of hostile discrimination has been pressed. Thus, it has been submitted, Trainee Officers of the 2018 batch who had completed their training, before enforcement of the Impugned Policy, have been placed in MMGS-II, whereas the original petitioners/respondents (of 2019 batch) who had also similarly completed their training, before enforcement of the Impugned Policy, have been deprived of similar placement in MMGS-II. In absence of any objective criteria in place, the treatment of Trainee Officers of 2018 batch more beneficially, as compared to the Trainee Officers of 2019, batch amounts to hostile discrimination.

29. Third, it has been submitted, neither the report dated 02.12.2020 proposed any amendment to the Old Policy with retrospective effect, nor the Bank is otherwise authorized or empowered to make retrospective amendment to the Old Policy, as may cause prejudice to the vested rights of the original petitioners/respondents.

30. Having heard learned counsel for the parties and having perused the record, the following issues arise for our consideration: (i) Whether the Impugned Policy is *ultra vires* the Rules; (ii) Whether rules of the game have been changed, mid-way? (iii) Whether under the Old Policy, right to placement/fitment in MMGS-II, was vested (in the original petitioners/respondents), solely upon their scoring 75% (70% for SC/ST candidates) marks, during training? (iv) Whether there is any hostile discrimination between Trainee Officers of 2018 batch and Trainee

Officers of 2019 batch? (v) Whether, the Impugned Policy has retrospective effect?

31. It cannot be said that the appointment, probation, confirmation and promotion etc. are rights created under the Old Policy or the Impugned Policy. That premise of the submissions advanced by learned Senior Counsel for the original petitioners/respondents, does not exist. Rather, those rights arise under the Rules framed in exercise of powers conferred under the State Bank of India Act, 1955. Upon delegation made under Section 43(1) of the State Bank of India Act, 1955, the Central Board of the State Bank of India has framed the Rules - to determine the terms and conditions of Appointment and Service of Officers in the Bank.

32. Therefore, before any consideration may arise on the changes made by the Impugned Policy, to the Old Policy, one may first look at the Rules to determine the statutory basis of the right to confirmation and placement, in MMGS-II. As extracted above, in terms of Rule 15(1) of the Rules, a Probationary Officer shall undergo probation period of maximum two years while a Trainee Officer must undergo probation of one year, excluding extension, if any. Thus, appointment of a person, either as a Trainee Officer, has to be accompanied with probation of minimum one year.

33. About confirmation, Rule 16 of the Rules clearly prescribes that a probationer “shall be confirmed” in service on satisfactorily completing training. Therefore, the right of a probationer to confirmation is contingent to satisfactory completion of training, only. To that, there is no quarrel.

34. Thereafter, the first proviso to Rule 16 of the Rules provides further that a Probationary Officer or a Trainee Officer “may” be confirmed and given placement/fitment in MMGS–II, only if the Bank exercises its discretion, upon assessment of merit and suitability (of such Probationary Officer or Trainee Officer) for future leadership role. The discretion vested in the Bank, is not uncanalised. Though merit

assessment, may be objective, suitability criteria (for future leadership role), may be a subjective criteria. Hence, the Rules also prescribe, in clear terms, that the aforesaid assessment may be made through a screening process-to be prescribed by the Central Human Resources Committee ('CHRC' in short).

35. Thus, according to the statutory Rules, a Probationary Officer or a Trainee Officer who may be on probation has a right to be confirmed upon successful completion of training upon scoring qualifying marks, here 50% (45% for SC/ST/PwD candidates) marks. That criteria has remained unchanged under the Impugned Policy. Yet, fitment in MMGS-II may be offered at the discretion of the Bank, even in terms of the Old Policy, subject to suitability for future leadership role. That discretion is canalised or may be exercised through screening process to be prescribed by the CHRC.

36. Therefore, merely because a Probationary Officer or a Trainee Officer may be confirmed, he may not automatically earn a further right to be granted placement/fitment in MMGS–II. To that end, the Rules prescribe Bank has been granted ample discretion to be exercised on suitability of Probationary Officers/Trainee Officers for future leadership role. That mandate arises on the own strength of the statutory Rules.

37. Consequently, the Old Policy and the Impugned Policy, both issued by the CHRC do not create a substantive right in favour of either the Probationary or Trainee Officers probationer, to be confirmed and placed/fitted (necessarily), in MMGS–II. On the contrary, they only prescribe the objective screening process to be applied by the Bank, in terms of the proviso to Rule 16 of the Rules - to determine if the confirmed Probationary/Trainee Officers would qualify on merit and suitability - to be placed in MMGS-II, keeping in mind future leadership role. Only those found deserving on that parameter may be placed/fitted in MMGS–II.

38. In that light, we look at the Old Policy. As extracted above, it became applicable w.e.f. 2017 batch of Probationary Officers and Trainee Officers. To that, there is no doubt. In the first place, it would be applied in the 2018 and 2019 batch of Probationary Officers and Trainee Officers. The 12 stage assessment (marks) criteria provided under Clause 5D of the Old Policy, would also apply, both to the 2018 batch and 2019 batch of Probationary Officers and Trainee Officers. No change has been made to that part of the objective screening process devised by the CHRC.

39. Yet, under Clause 5G(i) and 5G(ii) of the Old Policy, different objective criteria are contemplated. First, under 5G(i) all Probationary Officers/Trainee Officers who may achieve 50% (45% for SC/ST, PwD candidates) marks, during training would be found fit to be confirmed in JMGS–I. The use of the word ‘shall’ in Clause 5G(i) and read in the entirety of the Scheme contemplated under Chapter IV of the Rules specifically Rules 15 and 16, that effect caused in law, must be read to be mandatory. To that limited extent, the Bank may have no further discretion - to refuse confirmation of any Probationary Officer or Trainee Officer who may achieve 50% (45% for SC/ST, PwD candidates) marks, in overall assessment under Clause 5D of the Old Policy.

40. Therefore, the contingent right contemplated under Rules 15 and 16 of the Rules read with Clause 5G(i) of the Old Policy clearly provides that subject to satisfaction provided under Clause 5G(i), the Probationary Officer or Trainee Officer would earn a right to be confirmed JMGS-I. That right would vest in the concerned Probationary Officer/Trainee Officer, solely on the strength of satisfaction of merit condition prescribed under Clause 5G(i) of the Old Policy. To that, there is no quarrel as well. All the original petitioners/respondents have achieved more than 50% (45% SC/ST, PwD candidates) marks. Without an exception, they have been confirmed in service, in JMGS–I.

41. Then, in its own wisdom, even under the Old Policy, the CHRC has provided, by way of Clause 5G(ii) - Probationary Officer/Trainee Officer

on probation, who may be awarded 75% (70% SC/ST candidates) marks, “shall be considered” for placement in MMGS–II. Four things follow. First, higher merit earned in the overall assessment made under Clause 5G may not earn an absolute right or automatic entitlement on the concerned Probationary/Trainee Officer, to be confirmed in service in MMGS-II. Second, read together Clause 5G(i) & 5G(ii), the right to confirmation in service provided under Rule 16 of the Rules would be governed by Clause 5G(i) only. Thus, the confirmation in service would be automatic upon achieving minimum marks under Clause 5G(i) of the Old Policy. It would be in JMGS-I. Third, higher merit marks 75% (70% SC/ST candidates), shall create another contingent right in favour of such persons for “consideration” for placement in MMGS-II. Read with the language of the proviso to Rule 16 of the Rules, the word “placement” used in Clause 5G(ii) has to be read as placement or fitment, only. Fourth, and more crucially, the CHRC has used the phrases “shall be confirmed” and in Clause 5G(i), in contrast “shall be considered” in Clause 5G(ii) of the Old Policy. To that extent, there is a plain difference in effect intended that arises upon use of different language. It may not be ignored.

42. Rules of grammar exist and are actively and purposefully employed by legislatures and in legislative functions, to convey exact meaning; to cause different effect, for different exact/purpose. To that extent, by using the phrase “shall be considered” in contrast to “shall be confirmed”, the CHRC has made plain its policy how discretion may be exercise under Clause 5G(i) and Clause 5G (ii), in terms of the proviso to Rule 16 of the Rules. The CHRC has deliberately chosen to not allow uncanalised discretion by the Bank, but has laid down objective and verifiable screening process to exercise discretion (by the Bank). Therefore, the distinction between the processes to be adopted by the Bank in exercise of that discretion, for two different purposes, has to be clearly understood and maintained, to make both parts of Clause 5G, meaningful the different purpose for which those have been enacted.

43. To the extent, the CHRC is not the Bank as defined under Rule 3(1)(b), it can never be successfully maintained by the original petitioners/respondents that the stipulations contained in Clause 5G(ii) of the Old Policy is itself an action taken by the “Bank” – to vest any rights. Suffice to note, under Rule 3(1)(b) of the Rules, the “Bank” has been defined as the State Bank of India. By virtue of Clause 5G(ii) of the Old Policy, the original petitioners/respondents never earned a contingent right to be necessarily confirmed in service and to be placed in MMGS-II, solely on the strength of fulfillment of the eligibility criteria (of marks), prescribed under Clause 5G(ii) of the Old Policy. By achieving that objective criteria, they only earned a right to be considered for placement (fitment) in MMGS-II, subject to the Bank further exercising discretion in their favour keeping in mind not only that minimum merit criteria achieved but also further consideration as to, suitability for leadership role. For that, the Old Policy did not lay down any objective criteria. At the same time, we are convinced that the discretion to place (fit) a confirmed Probationary/Trainee Officer in MMGS-II could be exercised by the Bank, not on the satisfaction of the minimum merit criteria, the CRHC could prescribe the further criteria to judge suitability for future leadership role.

44. Thus, by virtue of own force of legislative character of Rule 16 of the Rules, minimum merit (at training), alone would never be enough to claim placement/fitment in MMGS-II. The Old Policy being only a Policy and not a legislative document, it may only be read of guiding value – to ensure fairness and reasonableness in exercise of discretion by the Bank. Seen in that light, Clause 5G(i) of the Old Policy creates/vests an absolute parameter – to necessarily confirm all probationer Probationary/Trainee Officers in JMGS-I, who may have achieved 50% (45% for SC/ST/PwD candidates) marks at their training. Phrased negatively, they would not be considered either on suitability or future leadership role criteria, to be placed/fitted in MMGS-II, on the strength of that merit achieved.

45. Under service jurisprudence, a probationer may not claim automatic confirmation in service, upon completion of probation period. However, it has been reasoned and laid down in **State of U.P. vs Akbar Ali Khan, (1966) SCC OnLine SC 59**, "*if the order of appointment itself states that at the end of the period of probation the appointee will stand confirmed in the absence of any order to the contrary, the appointee will acquire a substantive right to the post even without an order of confirmation*". In all other cases, a specific order of confirmation would be necessary, even though the probationer may have been allowed to continue in service after expiry of the period of probation. Read in that light, Clause 5G(i) read with Rule 16 of the Rules provides for automatic confirmation in, service of Probationary/Trainee Officer, once he completes his probation term with atleast 50% (45% for SC/ST/PwD) marks at the training.

46. On the other hand, all probationers Probationary/Trainee Officers, who may have scored more than 75% (70% for SC/ST) marks at training would become eligible to (besides confirmation in service), to be considered for placement/fitment in MMGS-II. However, they would have to still satisfy another test of suitability for future leadership role. To that extent, even under the Old Policy, on the own reading of Clause 5G(ii), the Bank would have to (necessarily) 'consider' if placement/fitment may be offered to such confirmed Probationary/Trainee Officer, under MMGS-II.

47. In **Divisional Personnel Officer (supra)** while examining Rule 14 of the statutory Rules providing "the disciplinary authority may consider the circumstances of the case and make such orders………..", the Supreme Court narrowed down the meaning to be given to the word consider, contrasting it with the word 'determine', to hold:

> *21. We now come to the third point that is involved in this case, namely, the extent and ambit of the last part of Rule 14 of the Rules of 1968. The concerned portion runs thus:*
>
> *"... the disciplinary authority may consider the circumstances of the case and make such orders thereon as it deems fit."*

> *In this connection it was contended by the learned counsel for the appellants that this provision does not contemplate a full-dress or a fresh inquiry after hearing the accused but only requires the disciplinary authority to impose a suitable penalty once it is proved that the delinquent employee has been convicted on a criminal charge. The Rajasthan High Court in Civil Writ Petition No. 352 of 1971 concerning Civil Appeal No. 891 of 1975 has given a very wide connotation to the word "consider" as appearing in Rule 14 and has held that the word "consider" is wide enough to require the disciplinary authority to hold a detailed determination of the matter. We feel that we are not in a position to go to the extreme limit to which the Rajasthan High Court has gone. <u>The word "consider" has been used in contradistinction to the word "determine". The rule-making authority deliberately used the word "consider" and not "determine" because the word "determine" has a much wider scope. The word "consider" merely connotes that there should be active application of the mind by the disciplinary authority after considering the entire circumstances of the case in order to decide the nature and extent of the penalty to be imposed on the delinquent employee on his conviction on a criminal charge. This matter can be objectively determined only if the delinquent employee is heard and is given a chance to satisfy the authority regarding the final orders that may be passed by the said authority. In other words, the term "consider" postulates consideration of all the aspects, the pros and cons of the matter after hearing the aggrieved person.</u>*
>
> *(emphasis supplied)*

48. Unless that difference of meaning/purport in the phraseology employed under Clause 5G(i) and (ii) of the Old Policy read with Rule 16 of the Rules, is maintained, the plain/obvious difference of meaning/purport that otherwise exists, between the words "confirmed" and "considered" would be lost. To the extent, both phrases "shall be confirmed" and "shall be considered" have been used under Clause 5G of the Old Policy, for two different purposes – one to confirm all probationers in service and another to place/fit some of such confirmed employees in MMGS-II, it would be wrong, if not impermissible to read the same meaning in these two grammatically different phrases, used in obviously/visibly different context.

49. Therefore, even under Old Policy, the Bank had discretion to examine the suitability for leadership role capacity and requirement of freshly confirmed Probationary/Trainee Officers [who may have been thus confirmed under Clause 5G(i) of the Old Policy], and to place/fit only such of them in MMGS-II, who it may find suitable on the strength of merit. In that regard, earlier, the Bank appears to have exercised that discretion vested under Rule 16 of the Rules, on consideration of minimum marks obtained at training only. Later, under the Impugned Policy, it has introduced a further limited the exercise of that discretion to the highest placed/10% of such probationers, in order of merit.

50. In that light, we now look at the Impugned Policy. Undeniably, the Impugned Policy has been framed on the strength of the report submitted to the CHRC. Copy of the same has been extracted above. It is worth noting that for the 2017 batch, 807 out of 816 Trainee Officers and 1445 out of 1592 Probationary Officers were placed in MMGS-II. Similarly, 1497 of 1524 Trainee Officers of 2018 batch were placed in MMGS-II. Thus, a very high percentage of all Probationary/Trainee Officers of the 2017 batch and Trainee Officers of 2018 batch came to be placed (fitted) in MMGS-II. That was done on the solitary consideration of minimum merit achieved in terms of Clause 5G(ii) of the Old Policy.

51. Thereafter, it had been further reported to the CHRC that other than the lack of rigour inasmuch as a high percentage of the Probationary and Trainee Officers scored the minimum marks prescribed under Clause 5G(ii) of the Old Policy, material feedback arose as to lack of experience and maturity - in majority of such officers who were thus placed in MMGS-II, on confirmation.

52. Third, such officers had not handled positions of responsibility in the branches of the Bank. Therefore, further feedback arose that such officers were unable to cope with the responsibilities attached to middle management position that require experience and maturity. By way of consequence, such officers were exposed to stress and risk of developing long term negativity.

53. In that light, two recommendations arose. First, to do away with MMGS–II fitment. That was not recommended, as that could do away with incentive to score higher marks, during training. A second option was proposed - to cap the total number of officers who may be placed in MMGS–II. The Impugned Policy prescribed by the CHRC therefore proposed a 10% batch size as the upper limit-to place confirmed Trainee Officers and Probationary Officers, in MMGS–II.

54. As to the implementation of the Impugned Policy, the report dated 02.12.2020 clearly noticed that 1497 out of 1524 Trainee Officers of

2018 batch had already been placed in MMGS–II. Since the Probationary Officers of the same batch were still undergoing training, the policy was proposed to be implemented from 2019 batch onwards, as first confirmation of that batch would become due on 16.06.2021.

55. Thus, none of the original petitioners/respondents had been confirmed as Trainee Officers up to 02.12.2020. Their final assessment were pending. Further, the Probationary Officers of that batch were undergoing training, at that stage. Therefore, the Impugned Policy was proposed to be implemented for the 2019 batch onwards. Acting on that report, the CHRC vide the Impugned Policy dated 16.12.2020 has provided for 10% cap, batch-wise, to the total number of Probationary/Trainee Officers who may be placed in MMGS–II. That cap has arisen to apply the criteria of suitability for future leadership role, though minimum merit may earn the basic eligibility, to be considered for suitability for future leadership role. In that, an objective, transparent and therefore wholly fair test of 10% cap, based strictly on merit, has been enforced.

56. As discussed above, to the extent the Old Policy did not vest in the original petitioners/respondents a substantive right to be placed/fitted in MMGS–II, solely on the strength of minimum marks obtained during training process, it is not possible to recognize existence of any change in the rules of the game, on that basis alone. If at all, the Impugned Policy introduces transparency and objectivity in applying the mandatory merit test to ascertain “suitability for future leadership role”, before any newly confirmed Probationary/Trainee Officer, may be placed in MMGS-II. To the extent, the minimum merit marks 75% (70% for SC/ST candidates), have not been upwardly revised to govern the zone of consideration to apply Clause 5G (ii) of the Old Policy read with Rule 16 of the Rules, there is absolutely no room to allege change to the Rules of the game, factually. Second, to the extent, only those highest placed (on merit), in that zone of consideration, up to 10% have been

found suitable (on merit consideration), for future leadership role, there is no impermissible change introduced by the Impugned Policy.

57. Insofar as the decision in **Tej Prakash Pathak (supra)** is concerned, clearly, the facts are not similar. In **Tej Prakash Pathak (supra)**, while the selection process started without stipulation of qualifying marks, after the interview stage was complete, that new criteria was introduced. It resulted in rejection of candidates who otherwise claimed a right to be selected in accordance with the original procedure.

58. Also, in **Minakshi Singh Vs. State of M.P. & Ors. (supra)**, the issue involved was entirely different. In that case, a departmental examination was contemplated in three subjects. However, while the affected employees were undergoing probation, by a subsequent Notification, a fourth subject was introduced in that departmental examination, to test their suitability for confirmation. Such are not the facts, here. No other or new parameter has been added/introduced by the Impugned Policy. As before, the zone of consideration is determined by the minimum merit marks obtained during training being 75% (70% for SC/ST candidates), marks. Thus, if the topper of a training batch were to score 75% marks at the training, he would not lose his right to be considered to be placed in MMGS-II, under the Impugned Policy. However, if more than 10% of the batch strength achieve more than 75% marks at that training, the first 10% i.e. in order of their *inter se* merit would be placed/fitted in MMGS-II. At the same time, as before, i.e. in the Old Policy, all Probationary/Trainee Officers who achieve 50% (45% for SC/ST/PwD candidates) marks, would have a right to be confirmed. That has not been altered. Therefore, we are unable to accept the contentions advanced on behalf of the original petitioners/respondents.

59. Here, no Trainee Officer/original petitioners - respondent, has been deprived of their right to be confirmed on that post. That right under Rule 15 and 16 of the Rules along with Clause 5D and 5G(i) of the Old Policy has not been obstructed or infringed or disturbed, to any extent, by Impugned Policy. As discussed above, the original

petitioners/respondents had only earned a contingent right to be considered for placement/fitment in MMGS–II, on the strength of minimum merit marks obtained during training and further subject to their suitability for future leadership role”. Thus, despite such minimum marks awarded to them, discretion remained to be exercised by the Bank to grant them that benefit, subject to their fulfilling the second condition noticed above.

60. To the extent, the Impugned Policy empowers the Bank to exercise discretion to place confirmed Probationary/Trainee Officers in MMGS–II on an objective criteria of 10% of the total batch size, based on highest in merit, it appears to us that CHRC has sought to incentivise merit that remains the primary criteria to raise the bar, without excluding the original petitioners-respondents, from the zone of consideration. Further, to encourage competitiveness as also prepare the Probationary Officers/Trainee Officers, for future leadership roles by allowing them to work in JMGS–I, if they may not have scored 10% of the highest marks, during their training, the Bank has demonstrably, acted with fairness and reason. No case of hostile discrimination may ever be alleged in that view.

61. That Impugned Policy appears to bring objectivity to the exercise of the discretion by the Bank and it is not an exercise to defeat any vested or contingent rights. In fact, the Impugned Policy appears to be protected on the strength of the ratio in **State of Haryana vs Subhash Chander Marwaha & Ors., (1974) 3 SCC 220,** wherein even after completion of the competitive examination and preparation of the select list, State Government chose to make only seven appointments from amongst the top seven in the select list, others being left out despite vacancies existing. The present case stands on a better footing for the appellant Bank, inasmuch as no post has gone vacant, all Probationary/Trainee Officers have been confirmed in service. However, discretion to grant them placement (fitment) in higher/MMGS-II has been

tweaked/rationalized, on a wholly objective criteria of highest in merit having earned that benefit.

62. Consequently, we find, the Impugned Policy is consistent to the Rules. Hence, it cannot be described as *utra vires* the Rules. It also cannot be said that the Rules of the game have been changed mid way in as much as the Impugned Policy does not alter or affect the selection as Trainee Officer or the right to confirmation in terms of Rule 16 of the rules read with Clause 5G(i) of the Old Policy. That right has remained unchanged under the Impugned Policy. The right to be considered for placement in MMGS-II, is a separate right. Under the Old Policy and under the Impugned Policy as well, it primarily remains dependent on merit achieved during training. The Old Policy did not vest any right in the original petitioners-respondents to be necessarily placed/fitted in MMGS-II, solely on the strength of threshold/minimum marks scored during training. Those marks only created an eligibility (in the original petitioners-respondents), to be considered for placement/fitment in MMGS-II, in terms of the proviso to Rule 16 of the Rules. Actual placement could be made upon discretion exercised by the Bank, subject to suitability for future leadership role. Thus, the CHRC could prescribe the upper cut-off on the own test of “suitability for future leadership role”, without disturbing the minimum marks cut-off prescribed under the Old Policy to determine the zone of consideration, of confirmed Probationary/Trainee Officers, who may be considered for placement in MMGS-II. That test only brings further objectivity in the action of the Bank to place/fit only a few Probationary/Trainee Officers in MMGS-II. In absence of any vested or other right in any of those Probationary/Trainee Officer to be placed/fitted in MMGS-II, solely upon achieving minimums/threshold marks-75% (70% for SC/ST candidates), the prescription of 10% of cap, based on, inter-se merit, does not involve a new criteria, as may be described contrary to Rule 16 of the Rules, read with Clause 5G (ii) of the Old Policy. For that reason, we also do not consider the Impugned Policy, retrospective.

63. In view of the above discussion, we also find, there is absolutely no discrimination between the Trainee Officers of 2018 batch and Trainee Officers of 2019 batch, in placement/fitment in MMGS-II. Not only the Trainee Officers of 2018 batch had successfully completed training and had already been assessed in terms of the Old Policy, on the date of issuance of the Impugned Policy dated 16.12.2020, similar assessment was pending for the 2019 batch of Trainee Officers. Therefore, there existed a rational criteria to distinguish and thus reasonably discriminate the case of Trainee Officers of 2018 batch with Trainee Officers of 2019 batch. Therefore, the CHRC thought it fit to apply the Impugned Policy to the entire batch of 2019, as the training of Probationary Officers of 2019 batch was still continuing. In that context, we have also noted that the Probationary Officers of 2019 batch have chosen to not challenge the Impugned Policy.

64. Consequently, we are unable to subscribe to the opinion of the learned single judge. In view of the above, the impugned order passed on the writ petition suffers from error on principle, as discussed above. The Special Appeal is, accordingly, **allowed**. Writ petition is **dismissed**. No order as to costs.

(Swarupama Chaturvedi,J.) (Saumitra Dayal Singh,J.)

August 21, 2026
Anurag/Abhilash/Prakhar/Faraz