



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 15495 OF 2025

Kapil s/o Ashok Nugurwar,  
Age : 36 Yrs., Occu. Labour,  
R/o: Captain Nivas, Mira Nagar,  
Near Water Tank, Ram Mandir Galli,  
Padegaon, Chhatrapati Sambhajinagar.

...Petitioner

**Versus**

1. The Union of India,  
Through the Under Secretary (RRB Division),  
Department of Financial Services,  
Ministry of Finance, Government of India,  
Jeevandeep Building, Parliament Street,  
New Delhi.
2. The Managing Director and Chief Executive Officer,  
IDBI Bank, Head Office,  
Cuffe Parade, Mumbai.

...Respondents

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Mr. Kapil A. Nugurwar – Party in-person

Mr. Rahul B. Bagul – Standing Counsel for Union of India/Repdt No. 1

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CORAM : SMT. VIBHA KANKANWADI  
AND  
HITEN S. VENEGAVKAR, JJ.

DATED : 09<sup>TH</sup> JANUARY, 2026

**JUDGMENT** (Per Hiten S. Venegavkar, J) : -

1. Rule. Rule made returnable forthwith. By consent of the parties, heard finally.

2. The petitioner, appearing in-person, has invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, seeking, in substance, twofold reliefs. First, a writ or direction to the Union of India, through the Department of Financial Services, to restrain all public sector banks, including IDBI Bank, from incorporating any clause in future recruitment advertisements disqualifying candidates on the ground of past misconduct or disciplinary punishment. Second, a direction to Respondent No. 2 to consider the petitioner's candidature pursuant to Advertisement No. 5 of 2023 and to issue consequential orders with retrospective effect. The challenge is premised on the assertion that the petitioner's candidature was arbitrarily rejected solely on account of his earlier removal from service in Maharashtra Gramin Bank, notwithstanding that, the order of removal itself stipulated that such removal would not operate as a disqualification for future employment.

3. The factual backdrop is largely undisputed. The petitioner was earlier employed with Maharashtra Gramin Bank. Disciplinary proceedings were initiated against him and culminated in an order dated 26<sup>th</sup> April 2024, imposing the major penalty of removal from service. The said order records that the removal shall not be a disqualification for future employment. Prior thereto, in the year 2023,

the petitioner had applied for recruitment pursuant to an advertisement issued by IDBI Bank. His candidature was rejected on the ground of past disciplinary action and removal from service. Aggrieved thereby, the petitioner addressed applications under the Right to Information Act to the Reserve Bank of India, the Department of Personnel and Training, and also to the Department of Financial Services. He relies upon replies, particularly that of the Reserve Bank of India dated 1<sup>st</sup> October 2025, to contend that there is no centralized Rule, Circular, or Notification issued by the Government of India imposing a permanent bar on future employment of persons who have already undergone disciplinary punishment.

4. The petitioner has argued at length that disciplinary penalties are intended to have limited temporal consequences and that once the punishment is undergone, the principle of finality must apply. According to him, the incorporation or application of a perpetual disqualification based on past removal amounts to a second punishment, is disproportionate, violative of the doctrines of fairness and proportionality, and infringes Article 14, 16, and 21 of the Constitution. He has also drawn attention to Regulation 39 of the Maharashtra Gramin Bank (Officers and Employees) Service Regulations, 2010, which provides that removal from service shall not be a disqualification for future employment, and has contended that in the absence of any

express rule or stipulation in recruitment, advertisements, public sector banks act arbitrarily in rejecting candidates solely on the basis of past disciplinary action.

5. Per contra, the learned counsel appearing for the Union of India has submitted that, each public sector bank is an autonomous entity governed by its own recruitment policies and service regulations, subject, of course, to overarching constitutional norms. It is contended that no general or blanket writ can be issued directing all banks to frame or not to frame particular eligibility or disqualification conditions. It is further argued that the petitioner has not specifically challenged any recruitment advertisement or rule of IDBI bank, and in the absence of such a challenge, the writ petition is misconceived. It is also submitted that the service regulations of Maharashtra Gramin Bank cannot be projected as binding norms upon other banks.

6. Having considered the pleadings, the submissions, and the material placed on record, this court is of the view that no case for exercise of writ jurisdiction is made out. At the outset, it must be noted that the relief sought by the petitioner is sweeping in nature. A direction to the Union of India to restrain all public sector banks from incorporating particular disqualification clauses in their recruitment advertisements would amount to judicially mandating uniformity in

recruitment policy across diverse banking institutions. Public sector banks, though instrumentalities of the state within the meaning of Article 12, are distinct legal entities with separate boards, service regulations, and recruitment process. It is well settled that policy choices in matters of recruitment, including prescription of eligibility criteria, and disqualifications, lie primarily within the domain of the employer, subject to the test of constitutional validity. Courts do not sit as appellate authorities over such policy decisions.

7. The petitioner's reliance on the absence of a centralized rule or guidelines is misplaced. The mere absence of a uniform instruction issued by the Government of India does not *ipso facto* render a recruitment condition adopted by a bank arbitrary or unconstitutional. What is required to be examined, if at all, is whether a particular condition in a particular recruitment process is violative of constitutional guarantees. Such an examination necessarily has to be contextual, advertisement-specific, and rules-specific. In the present case, the petitioner has not placed on record the recruitment rules or advertisement of IDBI Bank, which allegedly disqualified him, nor has he made a substantial challenge to the same. In the absence of a concrete challenge to an identifiable rule or condition, this court cannot embark upon an abstract adjudication.

8. The argument that removal from service, once undergone, cannot have any future civil consequences also cannot be accepted in the absolute terms in which it is advanced. Service jurisprudence recognizes a distinction between the penalty imposed in disciplinary proceedings and the employer's assessment of suitability and antecedents in fresh recruitment. The fact that a particular service regulation, such as Regulation 39 of the Maharashtra Gramin Bank Service Regulations, provides that removal shall not be a disqualification for future employment, only means that the employee is not rendered legally ineligible to seek employment elsewhere. It does not confer an enforceable right to be considered suitable by every other employer, nor does it denude a prospective employer of the discretion to assess past conduct while determining suitability for appointment. Suitability is a multifaceted concept, and antecedents, integrity, and past conduct are legitimate considerations, especially in banking institutions, which deal with public funds and repose a high degree of trust in their employees.

9. The contention of double jeopardy is equally misconceived. Article 20(2) of the Constitution has no application to disciplinary proceedings or to administrative decisions relating to recruitment. Denial of appointment on the ground of past misconduct does not amount to a second punishment for the same offence, it is an incident of employer's discretion in matters of recruitment. The doctrines of

proportionality and fairness are not violated merely because an employer takes into account past removal from service while assessing a candidate's suitability, particularly in absence of any statutory mandate to ignore such antecedents.

**10.** The petitioner has also sought parity by contending that even persons convicted of criminal offences may, after completion of sentence, resume public service. Such broad comparisons are inapposite. Each case necessarily depends upon the governing rules, the nature of the post, the nature of the misconduct or offence, and the policy of the employer. No general proposition can be laid down by this Court in exercise of writ jurisdiction. Finally, this Court finds substance in the submission of the Advocate for Respondent No. 1 – Union that, in the absence of a specific challenge to a recruitment advertisement or rule, no mandamus can be issued. The petitioner essentially seeks a declaration of general law that past disciplinary punishment can never be a ground of disqualification in recruitment by public sector banks. Such a declaration would trench upon the policy-making domain of the executive and the autonomy of a public sector banks and is impermissible under Article 226 of the Constitution of India.

**11.** For all the aforesaid reasons, this Court holds that the petitioner has failed to establish any arbitrariness, illegality, or

unconstitutionality warranting interference of this Court. The writ petition is accordingly dismissed. There shall be no order as to costs. Rule is discharged.

**[HITEN S. VENEGAVKAR]**  
**JUDGE**

**[SMT. VIBHA KANKANWADI]**  
**JUDGE**

SG Punde