

## SUPREME COURT GAVE LIBERTY TO APPROACH APPROPRIATE HIGH COURT TO THE WHISTLE BLOWER WHO CHALLENGED APPOINTMENT OF NABARD CHAIRMAN

The Supreme Court gave liberty to approach appropriate High Court to the whistle blower who challenged appointment of NABARD Chairman. As the writ of Quo Warranto was filed in Uttrakhand High Court at Nainital, while the selection and appointment as well as head offices of NABARD as well as RBI are located in Mumbai or New Delhi, the Court was of opinion that Uttrakhand Court was lacking jurisdiction in the matter. The Uttrakhand High Court in its interim order has restrained the NABARD Chairman from functioning the office.

It is to be noted that as per the law, the central Government has to consult the RBI before appointing the Chairman and in the instant case all norms of procedure and basic qualification and experience criteria were relaxed to accommodate the incumbent Chairman who is still has not resigned from his parent cadre IAS (MAHA). In the past all IAS resigned from their parent cadre before being made Chairman of NABARD but the present chairman has not resigned from the parent cadre.

Furthermore, the circular of Department of personal and Training as to procedure for Search Committee or Search and Selection committee was not followed in letter and spirit while appointing the Chairman. It is pre requisite that an Advertisement has to be made and at least 4 weeks time has to be given to potential candidates for applying, but here the appointment was made within a week without any advertisement.

As per the documents made available, there was initially an advertisement by RBI for the post, to which some 120 candidates applied (not the present chairman) and finally 4 were interviewed and none were found suitable. The minutes of this discussion were also forwarded to Present Chairman. Afterwards the criteria was relaxed but was not at all advertised, and the selection committee appointed the present chairman who is not having any formal qualification in Finance and Management and his experience is just 16 years as compared to 25 years experience required originally for appointment. The stand of UOI that Dy/ Governor of RBI was present in the selection committee (same was denied in Affidavit by RBI before Uttaranchal High Court) amounts to consultation raises a serious question whether concurrence can amount to consultation to higher statutory post, where some element of formality as to statutory acceptance may be required.

Last but not the least, it was noted that SLP by Chairman was filed in Supreme Court on 4th or May 2009 but the affidavit was of 5th of May and was purported to be executed in Delhi, that too when the Chairman was not in New Delhi on both the days. How mighty and powerful people can bend the procedure is something that shakes the faith of common man.

Lets hope the activism of whistle blower continues further and he immediately files writ in Appropriate High Court before the exercise becomes infructuous as Chairman, NABARD is to retire by December 3, 2010.