

The case of the petitioner is that under the Service Rules the period of probation prescribed is one year and since no order in was passed extending the period of probation and consequently, he would be deemed to have been confirmed December, 2000. It is urged that the probation could be extended by a maximum period of three years which expired in December, 2003. Thereafter, his services would be deemed to have been confirmed. There was no justification in not confirming him in the year 2005 or in postponing the issue relating to confirmation on the ground that his services had not been found to be satisfactory. It is urged that the same mistake was committed when the respondent refused to confirm the petitioner in October, 2007. It is further submitted that at the relevant time there was no adverse entry in preceding five years. The solitary adverse entry of the year 2001-02 being an entry more than five years old could not be made basis for not confirming the petitioner and in denying promotion to him. The warning issued by the Registrar General by order dated 12.06.2007 also could not form basis for withholding confirmation or denying promotion to the petitioner in as much as a warning is neither an adverse entry nor a punishment under the Service Rules. It is pointed out that a preliminary inquiry in another matter which also formed the basis for denying confirmation has culminated in favour of the petitioner and thus, the same could not have been the basis for denying confirmation in service. The writ petition was opposed by learned counsel for the respondent by contending that under the Service Rules although a maximum period of probation as well as extended period of probation are prescribed yet there is no provision of deemed confirmation. It is submitted that the Appointing Authority is enjoined with the duty to assess the suitability of a candidate and he is confirmed only if he is found fit and his integrity is certified. It is urged that in the case of the petitioner his work and conduct was not found to be satisfactory. It is submitted that in the year 2001002 there was an adverse entry against the petitioner followed by another adverse entry in the year 2004-05 which though was expunged later on. It is submitted that in the year 2005 the case of the petitioner was considered for confirmation of his services but it was found to be unsatisfactory.